

JOURNALS

OF THE

SENATE AND HOUSE OF COMMONS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF NORTH CAROLINA;

AT THE

SESSION OF 1832-33.

RALEIGH:

CHARLES R. RAMSAY—Printer to the State.

1833.

GENERAL ASSEMBLY

OF THE STATE OF NORTH CAROLINA

JOURNAL OF THE SENATE.



At a General Assembly, begun and held in the City of Raleigh, on Monday, the nineteenth day of November, one thousand eight-hundred and thirty-two, and in the fifty-seventh year of the Independence of the United States of America, it being the first session of the General Assembly: On which day, being that appointed by Law for the meeting of the General Assembly, the following members of the Senate appeared, produced their credentials, were qualified agreeably to Law, and took their seats, to wit:

From *Anson County*, William A. Morris,

Ashe, John Ray,
Beaufort, Joseph B. Hinton,
Bertie, George O. Askew,
Bladen, Robert Melvin,
Brunswick, William R. Hall,
Buncombe,
Burke, James McDowell,
Cabarrus, Archibald Houston,
Camden, Haywood S. Bell,
Carteret, Thomas Marshall,
Caswell, James Kerr,
Chatham, Nathan A. Stedman,
Chowan, William Bullock,
Columbus, Luke R. Simmons,
Craven, Richard D. Spaight,
Cumberland, John D. Toomer,
Currituck, Jonathan J. Lindsay,
Davidson, John A. Hogan,
Duplin, John E. Hussey,
Edgecombe, Louis D. Wilson,
Franklin, William P. Williams,
Gates, William W. Cowper,
Granville, Thomas W. Norman,
Greene, Wyatt Moye,
Guilford,
Halifax, Isham Mathews,
Haywood, William Parham,
Hertford, Bridger I. Montgomery,
Hyde, Caleb Spencer,
Johnston, Hillory Wilder,
Jones, James Harrison,

From *Iredell County*, Thomas A. Allison,

Lenoir, William D. Mosely,
Lincoln, Daniel Hoke,
Macon, Benjamin S. Brittain,
Martin, David Latham,
Mecklenburg, Henry Massey,
Montgomery, James M. Lilley,
Moore, Josiah Tyson,
Nash, William W. Boddie,
New-Hanover, Joseph H. Lamb,
Northampton, Herod Faison,
Onslow, Lewis Dishongh,
Orange, William Montgomery,
Pasquotank, John L. Bailey,
Perquimons, Henry Skinner,
Person, Robert Vanhook,
Pitt, Alfred Moye,
Randolph, Hugh Moffitt,
Richmond, Walter F. Leak,
Robeson, Shadrack Howell,
Rockingham, Robert Martin,
Rowan, Archibald G. Carter,
Rutherford,
Sampson, Edward C. Gavin,
Stokes,
Surry, William P. Dobson,
Tyrrell,
Wake, Henry Seawell,
Warren, John H. Hawkins,
Washington,
Wayne, James Rhodes,
Wilkes, James Wellborn,

A quorum, consisting of a majority of the whole number of members, being present, Mr. Williams moved that the Senate do now proceed to the choice of Speaker, without making any nomination for that appointment; which motion was agreed to. A balloting thereupon took place, Messrs. Williams and Montgomery, of *Orange*, being appointed tellers, on motion of Mr. Spaight, to conduct it. On counting the ballots, Mr. Williams reported that no person had received a majority of the votes; in which report the Senate concurred. Mr. Williams thereupon moved that the Senate proceed to another balloting for Speaker; which motion was agreed to, and the same tellers were appointed to conduct it. On counting the ballots, Mr. Williams reported that William D. Mosely, Esq., the Senator from the county of *Lenoir*, had received a majority of the whole number

of votes, and was duly elected; in which report the Senate concurred.—Whereupon, on motion of Mr. Skinner, Mr. Montgomery, of Orange, conducted the Speaker elect to the chair, from whence he made his acknowledgments to the Senate in an appropriate address.

On motion of Mr. Mathews, Samuel F. Patterson was appointed principal clerk, and William J. Cowan, clerk assistant of the Senate.

On motion of Mr. Vanhook, Thomas B. Wheeler was appointed principal doorkeeper, and Green Hill, assistant doorkeeper of the Senate.

On motion of Mr. Montgomery, of Hertford, ordered that a message be sent to the House of Commons, informing that House that the Senate is duly organised and ready to proceed on public business; having appointed William D. Mosely, Esq., Speaker, Samuel F. Patterson, principal clerk, and William J. Cowan, clerk assistant, and Thomas B. Wheeler and Green Hill, doorkeepers.

And the Senate thereupon, on motion of Mr. Williams, adjourned until to-morrow morning, 10 o'clock.

TUESDAY, NOVEMBER 20, 1832.

On motion of Mr. Spaight, ordered that a committee of five persons be appointed to prepare rules of order for the government of the Senate during the present session. Messrs. Spaight, Toomer, Seawell, Wilson and Bailey were appointed to form said committee.

Jonathan Parker, the senator from the county of Guilford, appeared, produced his credentials, was qualified and took his seat.

On motion of Mr. Hawkins, ordered, that the rules of the Senate of the last session of the Legislature, be the rules of order and decorum for the government of the Senate during the present session, until the reception and adoption of the report of the committee, appointed to prepare rules for that purpose.

A message was received from the House of Commons, stating the due organization of that branch of the Legislature, having appointed Louis D. Henry, Esquire, Speaker; Charles Manly, principal clerk and Edmund B. Freeman, clerk assistant; Richard Roberts and John Cooper, door-keepers.

A message was also received from the House of Commons, proposing that the two Houses ballot immediately for three engrossing clerks, and stating that Daniel Coleman, John W. Covington, Thomas G. Stone, Thomas L. West and Isaac C. Patridge are in nomination for the appointment, which proposition was agreed to, and Messrs. Martin and Montgomery, of Hertford, were appointed superintendents of the balloting, on the part of the Senate, and the House of Commons was informed thereof by message; whereupon a message was received from the House of Commons, stating that Messrs. Courts and Wooten attend the Senate, to conduct the balloting on the part of that House.

Received from the House of Commons a message, proposing that a joint select committee be appointed to wait on His Excellency the Governor, and inform him of the organization of the Legislature, and of its readiness to receive any communication he may think proper to make;

and stating that Messrs. McLeod and Shepard are appointed to form the committee on the part of that House; which proposition was agreed to, and Messrs. Williams and Hoke were appointed to form the committee on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Williams, from the committee appointed to wait on His Excellency the Governor, reported that the committee were authorized to state, that he would make a written communication to the Legislature, on to-morrow, at twelve o'clock.

Mr. Montgomery, of Hertford, from the committee appointed to conduct the balloting for three engrossing clerks, reported that Daniel Coleman, John W. Covington and Thomas G. Stone, having each received a majority of the whole number of votes, are duly elected; in which report the Senate concurred.

And the Senate then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, NOVEMBER 21, 1832.

Gabriel T. Moore, the senator from the county of Stokes appeared, produced his credentials, was qualified and took his seat.

On motion of Mr. Hawkins, ordered, that Thomas W. Norman, the senator from the county of Granville, have leave of absence from the services of the Senate, until Friday next.

Mr. Hoke presented the resignation of John Michal, a justice of the peace for the county of Lincoln, and Mr. Askew presented the resignation of Aaron Askew, a justice of the peace for the county of Bertie; which were read and accepted and sent to the House of Commons.

Mr. Lilley presented the resignations of John D. McMillan, Aaron Kennedy and John Allen, justices of the peace for the county of Montgomery; which were read and accepted, and sent to the House of Commons.

Mr. Parker presented the petition of Henry Humphreys, of the county of Guilford, praying the Legislature to pass an act exempting from taxation, for the term of fifteen years, a Cotton Factory, with the slaves therein employed, together with the lands and appurtenances thereto belonging, situated in and near the town of Greensborough; which was read, and on motion of Mr. Wellborn, ordered to be referred to a select committee. Messrs. Parker, Wellborn, Mathews, Skinner and Vanhook, were appointed to form said committee.

Mr. Askew presented the resignation of John P. Dunn, a justice of the peace for the county of Lenoir; which was read and accepted, and sent to the House of Commons.

Mr. Spaight, from the select committee appointed to prepare rules of order for the government of the Senate during the present session, reported the following, which were read, to wit:

1st. When the Speaker takes the chair, each member shall take his seat, and on the appearance of a quorum, the journal of the preceding day shall be read.

2d. After the reading of the journal of the preceding day, the Senate shall proceed to business in the following order, to wit: first, the receiving

petitions, memorials, pension certificates and papers addressed either to the General Assembly or to the Senate. Second, the reports of standing committees. Thirdly, the reports of select committees. Fourth, resolutions. Fifth, bills. Sixth, bills, resolutions, petitions, memorials, messages, pension certificates and other papers on the table; then the orders of the day; but motions and messages to ballot for officers to be elected by the General Assembly, shall always be in order.

3d. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to the Speaker, and shall confine himself to the question under debate, and avoid personality. And when two or more members happen to rise at once, the Speaker shall name the one who is first to speak. No member shall speak oftener than twice on the same question, without leave of the House. And when any member is speaking, he shall not be interrupted by any person, either by speaking or by standing, or passing between him and the chair.

4th. If any member in speaking, or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order, in which case, the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate. If there be no appeal, the decision of the chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed: if otherwise, and the case require it, he shall be liable to the censure of the House.

5th. Where a motion is made and seconded, no other motion shall be received, unless it be to amend the main question, to postpone it to a day certain, to postpone it indefinitely, to commit it, to let it lie on the table, or to adjourn.

6th. Questions may be stated by the Speaker sitting, but shall be put standing. Questions shall be distinctly put in this form: "as many as are of opinion that, as the case may be, say aye;" and after the affirmative voice is expressed; "as many as are of a contrary opinion, say no." If the Speaker doubt as to the voice of the majority, or a division be called for, the Speaker shall call on those in the affirmative of the question, to rise from their seats, and afterwards those in the negative. If the Speaker still doubt, or a count be required, the Speaker shall name two members, one from each side, to tell the number in the affirmative; which being reported, he shall then name two others, one from each side, to tell those in the negative; which being also reported, he shall state the division to the House, and announcing its decision, no member shall be permitted to enter his yea or nay, if he be not within the bar of the Senate at the time the question is put from the chair; unless he obtain leave from the Senate, or be absent as a member of the balloting committee.

7th. When any member shall make a motion, which is not of course, he shall reduce the same to writing if required.

8th. In all cases of ballot by the House, the Speaker shall vote; and when on a division, there shall be an equal number of votes, the Speaker shall decide the question. In no other case shall he vote, unless his vote,

if given to the minority, will make the division equal; and when an equal division is produced by the Speaker's vote, the question shall be lost.

9th. No member shall depart the service of the House, without leave, or receive pay as a member for the time he is absent.

10th. Petitions, memorials and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place; a brief statement of the contents thereof, shall verbally be made by the introducer, and the petition, memorial, or other paper shall not be read, unless so ordered by the House.

11th. Resolutions for the appropriation of public money, as well as all bills, shall be read the first time for information, and upon this reading shall not be subject to amendment, but may be amended on the second and third reading; and the clerk shall keep a calender of all such resolutions and bills with the orders taken on them, for the inspection of the members of the Senate.

12th. All bills of a public nature, when ready for the second reading, shall be noted to be read, at least one day previous thereto, and then shall first be read for information, and afterwards paragraph by paragraph, and held open for amendment.

13th. A bill once rejected, or indefinitely postponed, and a postponement to a day beyond the session shall be considered an indefinite postponement, another on the same subject shall not be again introduced during this session.

14th. When a question has been once decided, it shall be in order for any member in the majority to move for a re-consideration thereof, on the same or succeeding day, if the bill, resolution or paper upon which the question has been taken, be in possession of the Senate.

15th. The Speaker shall examine and correct the Journal before it is read; he shall have the general direction of the Hall; he shall designate the members who shall compose select committees, except when otherwise ordered; and the select committees of this House shall consist of five members. He shall also appoint the superintendents on all balloting committees.

16th. There shall be appointed by the Senate the following committees, viz. a committee of propositions and grievances; a committee of privileges and elections; a committee of claims; a committee on the judiciary; a committee on internal improvement, and a committee on education and the literary fund, consisting of eight members each, one to be selected from each old judiciary district.

17th. When the House resolves itself into a committee of the whole, the Speaker shall leave the chair and appoint a Chairman; and when upon any other occasion the Speaker wishes to leave the chair, he shall appoint a Speaker pro tem.

18th. When any petition, memorial or other paper addressed to the House, shall have been referred either to one of the standing or select committees, they shall in their report on the petition, memorial or other paper, make a statement in writing of the facts embraced in the case so referred.

19th. In case of any disturbance or disorderly conduct in the gallery or lobby, the Speaker or Chairman of the committee of the whole House, shall have power to have the same cleared.

20th. No person, except members of the House of Commons, officers and clerks of the two Houses of the General Assembly, judges of the supreme and superior courts, officers of the State resident at the seat of government, members of Congress, persons particularly invited by the Speaker, and such gentlemen as have been members of either House of the Legislature, shall be admitted within the Hall of the Senate.

21st. Any member dissatisfied with the decision of the Speaker, on any question of order, may appeal to the House.

22d. When the House adjourns, the members shall keep their seats till the Speaker leaves the Chair.

23d. On motion for adjournment, the question shall be decided without debate.

24th. The rules for the government of the Senate shall not be amended or altered, without giving at least one day's notice of such amendment or alteration, except by the consent of two-thirds of the members present.

Mr. Wilson moved to amend the eleventh rule, by inserting after the word "money," in the second line, the following words: "and all resolutions of a public nature;" which amendment was agreed to: the question then recurring on the adoption of the rules as amended, it was determined in the affirmative.

On motion of Mr. Wellborn, ordered, that a message be sent to the House of Commons, proposing to raise a joint select committee of five members from each House, to revise the joint rules of the two Houses. Messrs. Wellborn, Leak, Mathews, Montgomery, of Orange, and Askew were appointed to form said committee on the part of the Senate.

Mr. Martin moved that the Senate do now proceed to the appointment of the standing committees, pursuant to the rules of order; and the question being taken thereon, it was determined in the affirmative; whereupon a committee of finance was appointed on the part of the Senate, consisting of Messrs. Skinner, Wilson, Moye of Pitt, Stedman, Carter, Wellborn, Leak and Simmons.

A committee on propositions and grievances was appointed, consisting of Messrs. Montgomery of H., Mathews, Moye of Greene, Kerr, Dobson, Hoke, Morris and Hussey.

A committee of claims was appointed, consisting of Messrs. Askew, Hawkins, Harrison, Vanhook, Martin, Mc Dowell, Howell and Simmons.

A committee of privileges and elections was appointed, consisting of Messrs. Bell, Latham, Marshall, Moffitt, Massey, Ray, Tyson and Hall.

A committee on internal improvement was appointed, consisting of Messrs. Bullock, Faison, Hinton, Norman, Allison, Brittain, Leak and Lamb.

A committee on the judiciary was appointed, consisting of Messrs. Bailey, Boddie, Spaight, Seawell, Hogan, Wellborn, Toomer and Wilson.

A committee on education and the literary fund was appointed, con-

sisting of Messrs. Cowper, Williams, Rhodes, Kerr, Parker, Parham, Gavin and Dishongh.

Received from the House of Commons, a message from His Excellency the Governor, with sundry accompanying documents, and accompanied by a proposition from that House, that the message be printed, one copy for each member of the Legislature; which proposition was agreed to, and the House of Commons was informed thereof by message:

And the Senate then adjourned until to-morrow morning, ten o'clock.

THURSDAY, NOVEMBER 22, 1832.

Mr. Wellborn presented the petition of sundry citizens of the county of Wilkes, praying the passage of an act to restore to the privileges of a citizen, Joshua Pennell, of said county; which being read, Mr. Wellborn moved that a message be sent to the House of Commons, proposing to refer the said petition to a joint select committee, composed of the members from the counties of Wilkes, Iredell, Surry and Ashe; and the question being taken thereon, it was determined in the negative. Mr. Martin then moved, that the petition be referred to the committee on propositions and grievances, which motion was agreed to.

Mr. Simmons presented the petition of Joshua Williamson, sheriff of Columbus county, praying to have remitted a certain fine incurred by him for failing to comply with the requisitions of an act of the last session, prescribing the manner of making settlements with the public treasurer and comptroller. On motion of Mr. Simmons, ordered that the said petition be referred to the committee on propositions and grievances.

Mr. Simmons also presented the petition of Charles Baldwin, clerk of the county court of Columbus county, praying to be relieved from the payment of a judgment obtained against him, in Wake superior court, in favor of the State, for a non-compliance with the provisions of an act of the General Assembly. On motion of Mr. Simmons, ordered that the said petition be referred to the committee on propositions and grievances.

Mr. Skinner presented the memorial of James Long, sheriff of Perquimans county, praying to have refunded to him the amount of a fine, incurred and paid by him, for failing to comply with the requisitions of an act of the last session, entitled "an act to increase the liability of sheriffs, and to provide more effectually for the collection of taxes." On motion of Mr. Skinner, ordered that the said memorial be referred to the committee on propositions and grievances.

Mr. Hawkins presented the certificate of allowance of the county court of Warren county, in favor of Elizabeth Harris, a pensioner of the State; which was read, and on motion of Mr. Hawkins, ordered to be countersigned by the Speaker of the Senate and sent to the House of Commons.

Mr. Martin presented the following preamble and resolutions, to wit:

"Whereas, questions of deep and vital importance to the future welfare of our common country, are under consideration in some of the Southern States; it is therefore believed to be the duty of this General Assembly, as the representatives of the free people of North

Carolina, respectfully to make known our sentiments, and as we believe the sentiments of our constituents, on the present interesting crisis of our internal affairs; therefore,

Resolved, That this General Assembly continues to cherish a sacred attachment to the constitution of the United States, and considers the advantages of the Federal Union in sustaining our civil institutions and perpetuating our liberties, to be incalculable. That we deprecate the doctrine of Nullification, as founded on principles subversive of the constitution, and as having a direct tendency, if practically enforced, to sever the bonds which now unite us together as one great and powerful republic.

Resolved further, That we still rely on the wisdom and integrity of the constituted authorities of the General Government, and confidently look to their patriotism for ultimate redress of all our real grievances; and as the States are prohibited by the constitution from entering into alliances, compacts or agreements among themselves, and being aware of the excitement and sectional feeling, which already pervades the country to a fearful extent, this General Assembly, under existing circumstances, deprecate the policy of a Southern Convention.

Resolved, That the Governor be, and he is hereby requested, to forward a copy of these resolutions to the President of the United States, and to the executive of each of the States of this confederacy."

Which being read, on motion of Mr. Montgomery, of Orange, ordered that they be laid upon the table; and on motion of Mr. Hoke, ordered that the said preamble and resolutions be printed, one copy for each member of the Legislature.

Joseph McDowell Carson, the senator from the county of Rutherford, appeared, produced his credentials, was qualified and took his seat.

On motion of Mr. Montgomery, of Orange, *Resolved* that the Speaker of the Senate assign suitable places in the Senate Chamber, to one or more stenographers, for the purpose of reporting the proceedings of the Senate.

Received from the House of Commons a message, agreeing to the proposition of the Senate to appoint a joint select committee, to revise the joint rules of order for the government of the two houses, and stating that Messrs. Graves, Hinton, McMillan, Burgin and Borden are appointed to form the committee on the part of that House.

On motion of Mr. Montgomery, of Hertford, "*Resolved*, that the committee on Education and the Literary Fund, be instructed to inquire into the expediency of establishing by law a central School, in the State of North Carolina, for the purpose of educating and preparing instructors of elementary schools for their profession, and that they report by bill or otherwise."

On motion of Mr. Hawkins, ordered, that a message be sent to the House of Commons, proposing to raise a joint select committee, to be styled the committee on military affairs. Messrs. Hawkins, Wilson, Kerr, Marshall, and McDowell were appointed to form the said committee on the part of the Senate.

Mr. Bell presented the resignation of John C. Nash, a justice of the peace for the county of Camden, which was read and accepted, and sent to the House of Commons.

Mr. Wellborn presented the memorial of sundry citizens of the county of Wilkes, praying an appropriation to be made to enable them to clear out and open a road from Cornelius Howard's mill in said county, up Elk creek, to the Ashe county line. Ordered, that the said memorial be referred to the committee on internal improvements.

On motion of Mr. Wilson, ordered, that a message be sent to the House of Commons, proposing to ballot immediately for a Solicitor in the first judicial circuit, and stating that John L. Bailey is in nomination for the appointment.

Mr. Montgomery, of Orange, presented the following resolutions, to wit:

1st. *Resolved*, That so much of the Governor's Message as relates to the Statue of Washington, be referred to a Select Committee.

2d. *Resolved*, That so much of the Governor's Message as relates to the Maps, Drafts and Plans lately in the possession of the Engineer of the State, and the Mathematical Instruments belonging to the State, be referred to the Committee on Internal Improvement.

3d. *Resolved*, That so much of the Governor's Message, as relates to the papers belonging to the Senate, saved during the conflagration of the State House, be referred to a Select Committee.

4th. *Resolved*, That so much of the Governor's Message as relates to the acts, incorporating Rail-roads, be referred to the Committee on Internal Improvement.

5th. *Resolved*, That so much of the Governor's Message as relates to collecting testimony and making surveys for the State, in the suits now pending in the name of the Attorney-General, to vacate certain grants, be referred to a Select Committee.

6th. *Resolved*, That so much of the Governor's Message as relates to the late James N. Forsythe, be referred to a Select Committee.

7th. *Resolved*, That so much of the Governor's Message as relates to the obtaining of copies of the Acts and Journals of the General Assembly, be referred to a Select Committee.

8th. *Resolved*, That so much of the Governor's Message as relates to the arms for cavalry, obtained from the United States, be referred to the Military Committee.

9th. *Resolved*, That so much of the Governor's Message as relates to Books, Papers and Maps, received from the United States and other States, be referred to the Committee on the Library.

10th. *Resolved*, That the communications of the several States, accompanying the Governor's Message, be referred to a Select Committee.

The said resolutions being read, the question on the adoption thereof was determined in the affirmative.

Received from the House of Commons a message, transmitting the annual report of the Public Treasurer with sundry accompanying documents, and accompanied with a proposition that the report and documents be printed, one copy for each member of the Legislature; which proposition was agreed to, and on motion of Mr. Wilson, ordered, that a message be sent to the House of Commons, proposing that the said report and documents be referred to the committee on finance.

Received from the House of Commons a message, agreeing to ballot as proposed by the Senate, for a Solicitor of the first judicial circuit, and stating that Messrs. Irvine and Lewis Thompson attend the Senate, to conduct the balloting on the part of that House; whereupon Messrs. Wilson and Hogan were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Wilson, from the committee appointed to conduct the balloting for a Solicitor of the first judicial circuit, reported that John L. Bailey having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

And the Senate then adjourned until to-morrow morning 10 o'clock.

James Allen, the senator from the county of Buncombe, appeared, produced his credentials, was qualified and took his seat.

Mr. Boddie presented the petition of Thomas Hambleton, a revolutionary soldier, praying compensation for services performed and expenses incurred during the revolutionary war. Ordered, that the said petition be referred to the committee on claims.

Mr. Hoke presented the petition of Alexander Moore, of the county of Lincoln, praying to have refunded to him the taxes which he has paid on a quantity of land in said county, for twenty-five years past, and which has escheated to the University of the State. On motion of Mr. Hoke, ordered, that the said petition be referred to the committee on propositions and grievances.

Mr. Hinton presented the memorial of William Ellison, clerk of the court of pleas and quarter sessions of the county of Beaufort, praying to be released from the payment of a judgment obtained against him by the State in Wake Superior Court, for failing to comply with the provisions of an act of Assembly, passed in the year 1806. On motion of Mr. Hinton, ordered that the said memorial be referred to the committee on propositions and grievances.

Mr. Houston presented the resignation of Daniel Cross, a justice of the peace for the county of Cabarrus, which was read and accepted and sent to the House of Commons.

Mr. Montgomery, of Orange, presented the petition of Peggy Johnson, praying the passage of an act to secure to her such property as she may hereafter acquire.

Mr. Montgomery, of Orange, also presented the petition of John Johnson, praying to be divorced from his wife Peggy Johnson. Ordered, that the said petitions be referred to the committee on propositions and grievances.

Mr. Dobson presented a bill to amend the law respecting the appointment of Sheriffs, so far as relates to the county of Surry," which was read the first, second and third times, and passed and ordered to be engrossed.

Received from the House of Commons a message, proposing to raise a joint select committee, to enquire if any and what alterations are necessary to be made in the Congressional Districts of the State, under the last census and apportionment of representatives; and stating, that Messrs. Sumner, Pearson, Bragg, Eccles and Potts form the committee on the part of that House. On motion of Mr. Mathews, ordered, that the said message be laid upon the table, and that a message be sent to the House of Commons, proposing that a joint select committee, to be composed of one member from each congressional district in the State, be appointed for the purposes embraced in the message from the House of Commons.

A message was also received from the House of Commons, stating their concurrence in the proposition of the Senate, to refer the report of

the Public Treasurer with the accompanying documents, to the joint select committee on finance.

Received also from the House of Commons a message, proposing to refer so much of the Governor's message as relates to the contract with Ball Hughs, for restoring the Statue of Washington, to a joint select committee, and stating that Messrs. Courts, Long, J. B. Jones, Sumner and Hinton form the committee on the part of that House; also a message proposing to refer so much of the Governor's message as relates to the communications from the Governors and Legislatures of the States of Massachusetts, Tennessee and Louisiana to a joint select committee; and stating that Messrs. Mangum, Shepard, L. Thompson, Guthrie and Poin-dexter form said committee on the part of that House. On motion of Mr. Seawell, ordered, that the said message be laid on the table.

Mr. Montgomery, of Orange, moved that the Senate reconsider the vote taken yesterday, on the adoption of the resolutions introduced by him, referring the several subjects embraced in the Governor's message; and the question being taken thereon, it was determined in the affirmative; whereupon Mr. Spaight moved to amend the said resolutions by striking out the first and tenth resolutions; which amendment was agreed to, and the resolutions as amended were adopted.

On motion of Mr. Seawell, the senate then proceeded to take up the messages from the House of Commons, proposing to refer to joint select committees so much of the Governor's message as relates to the contract with Ball Hughs, for restoring the Statue of Washington; and so much of said message as relates to the communications from the Governors and Legislatures of the States of Massachusetts, Tennessee and Louisiana; and the question being taken on agreeing to the said propositions, it was determined in the affirmative; whereupon Messrs. Boddie, Dobson, Houston, Lilley and Hall were appointed to form the committee on the part of the Senate, on the first proposition; and Messrs. Spaight, Toomer, Williams, Wilson and Skinner were appointed to form the committee on the part of the Senate, on the last proposition; and the House of Commons was informed thereof by message.

Mr. Spencer presented the resignation of William Selby, a justice of the peace, for the county of Hyde; which was read and accepted, and sent to the House of Commons.

A message was received from the House of Commons, stating that Messrs. Polk, Skinner, Gary, Mangum, G. A. Thompson, Emmit, Waddle and Park form the joint committee on finance on the part of that House.

Received also from the House of Commons a message, stating that they have passed the engrossed resolution, expressing the regret which the Legislature feel on receiving intelligence of the death of Charles Carroll, of Carrollton, in which they ask the concurrence of the Senate; whereupon the said resolution was read the first time and passed, and being read the second time, Mr. Montgomery, of Orange, moved to amend it by adding the following, to wit: "Resolved, that a copy of the above

resolution be transmitted by His Excellency the Governor of North Carolina, to the representatives of the deceased, for his family;" which amendment was agreed to, and the resolution, as amended, was read the second and third times and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

Mr. Martin gave notice, that on Wednesday next he should ask leave to introduce a bill to establish a bank, to be styled "the Bank of North Carolina."

Received from the House of Commons the certificate of allowance of the county court of Cumberland, in favor of Isabella Campbell, a pensioner of the State, endorsed in that House; "read and ordered to be countersigned by the Speaker of the House of Commons and sent to the Senate;" and, on motion of Mr. Toomer, ordered, that the said certificate be countersigned by the Speaker of the Senate, and returned to the House of Commons.

Received from the House of Commons, the certificate of the county court of Warren, in favor of Elizabeth Harris, endorsed in that House, "read and ordered to be countersigned by the Speaker of the House of Commons."

Received also from the House of Commons the following resignations, to wit: the resignation of Woodson Daniel, of the county of Granville; the resignation of Berry Burnett, of the county of Burke; the resignation of James Satchwell, of the county of Beaufort, and the resignation of William Hix, of the county of Montgomery, justices of the peace of their respective counties; also the resignation of John Clayton, colonel-commandant; George C. Nail, lieutenant-colonel, and Isaac Wilkerson, major of the first regiment of Buncombe county Militia, endorsed in that House, "read and accepted," and which were severally read and accepted by the Senate.

The following members were appointed on the several select committees, ordered on the Governor's message, in pursuance of the several resolutions on that subject, to wit:

On so much thereof as relates to the papers belonging to the Senate, saved during the conflagration of the State House; Messrs. Moore, Spencer, Brittain, Wilder and Morris.

On so much thereof as relates to collecting testimony, and making surveys for the State, in the suits now pending in the name of the Attorney-general, to vacate certain grants: Messrs. Carson, Cowper, Harrison, Latham and Hoke.

On so much thereof as relates to the late James N. Forsyth: Messrs. Hinton, Stedman, Ray, Rhodes and Bell.

On so much thereof as relates to the obtaining of copies of the Acts and Journals of the General Assembly: Messrs. Montgomery, of Orange, Move, of Greene, Lindsay, Massey and Bullock:

And then the Senate adjourned until to-morrow morning, 10 o'clock.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled, "a bill to amend the law respecting the appointment of Sheriffs, so far as relates to the county of Surry;" in which they ask the concurrence of that House.

Mr. Askew presented the resignation of James White, a justice of the peace, for the county of Bertie, which was read and accepted and sent to the House of Commons.

Mr. Hoke presented the petition of sundry citizens of the county of Lincoln, praying the passage of an act to divide the three western judicial circuits into four, and to appoint an additional circuit judge to aid in the holding of said courts; which was read, and on motion of Mr. Hoke, ordered to be referred to a select committee, consisting of one member from each judicial district.

Mr. Moore presented the resignation of William Joyce, senior, a justice of the peace for the county of Stokes, and Mr. Spencer presented the resignation of William Scarbrough, major of the Hyde county Militia; which were read and accepted, and sent to the House of Commons.

Mr. Lamb presented the petition of William Keath, of the county of New Hanover, praying to have refunded to him the purchase money for six hundred and forty acres of land, by him entered in the said county, and for which he has never obtained a grant. On motion of Mr. Lamb, ordered that the said petition, with the accompanying documents, be referred to the committee on claims.

Mr. Allen presented the following resolution, to wit:

"Resolved, That the Public Treasurer be, and he is hereby required to refund to Nathaniel Harrison and William C. Butler, Sheriffs of Buncombe and Burke counties, the amount of the forfeitures by them incurred and paid over under the act of Assembly, passed 1831;" which was read the first time and passed; and being read the second time, Mr. Martin moved to amend it by inserting the name of Martin Roberts, Sheriff of Rockingham county, which amendment was agreed to. Mr. Wellborn moved further to amend the resolution by inserting the name of John J. Bryan, Sheriff of Wilkes county. Mr. Parker moved further to amend the resolution, by inserting the name of James W. Doak, Sheriff of Guilford county. Mr. Melvin moved further to amend the resolution, by inserting the name of Samuel Cain, Sheriff of Bladen county. Mr. Seawell moved further to amend the resolution, by inserting the name of William R. Hinton, Sheriff of Wake county. Mr. Morris moved further to amend the resolution, by inserting the name of Joseph Medley, Sheriff of Anson county. Mr. Hoke moved further to amend the resolution, by inserting the name of Thomas Ward, Sheriff of Lincoln county. Mr. Bailey moved further to amend the resolution, by inserting the name of Isaac Baxter, Sheriff of Currituck county. Mr. Leak moved further to amend the resolution, by inserting the name of William Crawford, Sheriff of Richmond county. Mr. Vankook moved further to amend the resolution, by inserting the name of John Barnet, Sheriff of Person county. Mr. Cowper moved further to amend the resolution, by inserting the name of James R. Reddick, Sheriff of Gates county. Mr. Dobson moved further to amend the resolution, by inserting the name of Thomas B. Wright, Sheriff of Surry county. Mr. Askew moved further to amend the resolution, by inserting the name of Lewis Bond, Sheriff of Bertie county; and Mr. Faison moved further to amend the resolution, by inserting the name of James H. Wood, Sheriff of Northampton county; which several amendments were agreed to; and on motion of Mr. Allen, ordered that the said resolution as amended, be referred to the committee on Propositions and Grievances.

Received from the House of Commons a message, stating that Messrs. Outlaw, Hill and McQueen compose the joint select committee on the

part of that House on the Public Library, appointed in pursuance of the jointrules of the two houses; whereupon Messrs. Montgomery, of Hertford, Seawell and Allison were appointed to compose the said committee on the part of the Senate, and the House of Commons was informed thereof by message.

A message was also received from the House of Commons, stating their concurrence in the proposition of the Senate, to raise a joint select committee on Military affairs; and stating that Messrs. Ziglar, Ledford, Bonner, Arrington and Marsteller form the said committee on the part of that house.

Received also from the House of Commons a message, proposing that the two houses ballot on Monday next for Public Printer to the State, and stating that Charles R. Ramsay and Lawrence and Lemay are in nomination; which proposition was agreed to, and the House of Commons was informed thereof by message.

Mr. Allen presented a bill to give exclusive jurisdiction to the superior courts of law for the county of Buncombe;" which was read the first time and passed.

Mr. Leak presented the following preamble and resolutions, to wit:

"Whereas, questions of deep and increasing importance now agitate some of our sister States, growing out of the exercise of powers, which are supposed to belong to the General Government on the one hand, and of the rights which are said to appertain to the States on the other: And whereas, an expression of opinion on the part of this Legislature seems to be called for, that silence may not be construed into a virtual acquiescence of the powers claimed for the General Government, nor yet as being indifferent to the consequences which necessarily flow from the enforcement of Nullification. Be it therefore

Resolved, As the opinion of this Legislature, that while we disapprove the doctrine of Nullification as unconstitutional, violent and of a revolutionary tendency, we are nevertheless feelingly alive to the cause which has given rise to it.

Resolved further, That the powers which have been ceded by the States to the General Government, were delegated in trust for the accomplishment of certain limited and defined objects, and that any exercise of those powers to foster manufactures directly, is viewed by this Legislature as a violation of the spirit of the Federal compact.

Resolved further, That while we deprecate the doctrine of Nullification, as being wild and visionary in theory, dangerous and violent in practice, we at the same time cannot but consider a Tariff of duties looking to protection, as does the present, as an unwarrantable assumption of power.

Resolved further, That we still rely on the wisdom and integrity of the constituted authorities of the General Government, and confidently look to their patriotism and love of union for ultimate redress of all our grievances.

Resolved further, That we recognize in the Tariff, of the 7th of June, 1832, a modification of duties, both in the gross and in the detail, and behold it as an entering wedge, which shall ultimately fritter down the duties to a revenue point.

Resolved further, That the Governor be, and he is hereby required, to forward a copy of these resolutions to the President of the United States, and to the Executive of each of the States of this confederacy."

Which, after being read, were, on motion of Mr. Skinner, ordered to be laid on the table and be printed, one copy for each member of the Legislature.

Mr. Brittain presented "a bill to restore John Bates, of Macon county, to credit," which was read the first time and passed; and on motion of Mr. Brittain, ordered to be referred, together with the accompanying petition, to the committee on propositions and grievances.

On motion of Mr. Montgomery, of Orange, ordered, that a message be sent to the House of Commons, proposing to ballot immediately for Secretary of State, and stating that William Hill is in nomination for the appointment; whereupon a message was received from the House of Commons, agreeing to the proposition, and stating that Messrs. Harper and Irion attend the Senate to conduct the balloting on the part of that House. Messrs. Montgomery, of Orange, and Matthews were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Carson presented "a bill to provide for the registration of grants for lands in this State, when the original has been lost, or is beyond the reach of the party interested in the lands for which the grant was issued," which was read the first time and passed, and, on motion of Mr. Carson, ordered to be referred to the committee on the judiciary.

On motion of Mr. Skinner, ordered, that Mr. Carson be added to the committee on the judiciary.

Mr. Wilson presented the following resolution, to wit:

"Resolved by the General Assembly of the State of North Carolina, That the present session be closed by the adjournment of the two Houses by their respective Speakers, on the 20th day of December, 1832;" which being read, on motion of Mr. Wilson, ordered that the said resolution be laid on the table.

On motion of Mr. Hawkins, ordered, that a message be sent to the House of Commons, proposing that Mr. Montgomery, of Hertford, be added to the joint select committee on military affairs.

On motion of Mr. Martin, the Senate proceeded to take up and consider the several resolutions disapproving the doctrine of Nullification and the policy of a Southern Convention, introduced by him on the 22d inst. as also those presented by Mr. Leak on this day; and, on motion of Mr. Martin, ordered, that the said resolutions be committed to a committee of the whole House and be made the order of the day for Friday next.

Mr. Montgomery, of Orange, from the committee appointed to superintend the balloting for Secretary of State, reported that William Hill, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

Received from the House of Commons, the certificate of allowance made by the county court of Cumberland in favor of Ann Morrison, a pensioner of the State, endorsed in that House, "read and ordered to be countersigned by the Speaker of the House of Commons and sent to the Senate;" and which, on motion of Mr. Toomer, was ordered to be countersigned by the Speaker of the Senate and returned to the House of Commons.

Received also from the House of Commons the resignation of Hodge Raiborn, of the county of Buncombe, and the resignation of Daniel May, of the county of Anson, justices of the peace for their respective counties, endorsed in that House, "read and accepted;" and which were read and accepted by the Senate.

Messrs. Carter and Hogan were appointed on the part of the Senate, to form the joint committee on enrolled bills in pursuance of the joint rules, and the House of Commons was informed thereof by message.

And the Senate then adjourned until Monday morning, 10 o'clock.

MONDAY, NOVEMBER 26, 1832.

The Speaker laid before the Senate a communication from Joseph Gales, Esq. commissioner, appointed under a resolution of the last General Assembly, for collecting and arranging the printed Journals and Laws of the State to supply the place of those which had been destroyed by the fire, which consumed the late Capitol; which communication was accompanied by such number of copies of the Journals and Laws as the said commissioner has been able to procure.

On motion of Mr. Vanhook, ordered, that the said communication be referred to the committee on the Library.

A message was received from the House of Commons, stating that Messrs. Edmonston and Hartley are appointed a committee to conduct the balloting on the part of that house for Public Printer, heretofore agreed on to take place this day; whereupon Messrs. Simmons and Faison were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Hogan presented the memorial of sundry citizens of Rowan county, praying the passage of an act to annex a part of said county to the county of Davidson. On motion of Mr. Hogan, ordered that the said memorial, together with the accompanying documents, be referred to the committee on propositions and grievances.

Mr. Dobson presented "a bill vesting the right of electing clerks of the superior and county courts, in the several counties in this State, in the free white men thereof;" which was read the first time and passed, and, on motion of Mr. Montgomery, of Orange, ordered to be printed.

The bill to give exclusive jurisdiction to the superior courts of law for the county of Buncombe, was read the second time. Mr. Toomer moved to amend the bill by adding the following proviso, to wit: "Provided nevertheless, it is hereby expressly declared, that the word "exclusive" used in this bill, is not intended in any way to deprive the supreme court of this State of any jurisdiction which it now possesses, or in any way to deprive any suitor in the superior court of Buncombe, of any right of appeal as provided for by existing laws to the said supreme court;" which amendment was agreed to, and the bill as amended was read the second and third times and passed, and ordered to be engrossed.

Mr. Simmons, from the committee appointed to superintend the balloting for Public Printer, reported, that no person in nomination had received a majority of the votes; in which report the Senate concurred.

Mr. Wilson presented the following resolution, to wit:

"Resolved, That the Committee of Finance be authorized and instructed to burn such Treasury notes, as are now or shall be in the office of the Public Treasurer, by the 15th of December next, and report the amount to this Legislature;" which was read the first time and passed; and being read the second time, Mr. Wellborn moved to amend the resolution, by inserting after the word "notes" the words "*unfit for circulation*;" which amendment was not agreed to; and the resolution was read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, proposing to ballot again immediately for Public Printer, which proposition was agreed to, and Messrs. Moya, of Pitt, and McDowell were appointed to conduct the balloting on the part of the Senate, and the House of Commons was in;

formed thereof by message; whereupon a message was received from the House of Commons, stating that Messrs. Peoples and Grady attend the Senate, to conduct the balloting on the part of that house.

Mr. Carter presented a counter-memorial from sundry citizens of the county of Rowan, praying the Legislature not to annex any portion of the said county to the county of Davidson, or in any other manner to disturb the present dividing lines between the said counties. On motion of Mr. Carter, ordered, that the said memorial be referred to the committee on propositions and grievances.

Received from the House of Commons a message, stating their concurrence in the proposition of the Senate, to raise a joint select committee of one member of each house from each of the Congressional Districts in this State, to enquire what alterations are necessary to be made in said Congressional Districts; and stating that Messrs. Skinner, Gary, Potts, C. Wooten, McMillan, Bragg, Eccles, Sumner, Graves, Pearson, Cansler, Dews and Emmitt form the said committee on the part of that house; whereupon Messrs. Dobson, Allen, Martin, Massey, Howell, Skinner, Williams, Moffitt, Montgomery, of Orange, Hussey, Spaight, Moye, of Pitt, and Askew were appointed to form said committee on the part of the Senate, and the House of Commons was informed thereof by message.

A message was also received from the House of Commons, agreeing to the amendment proposed by the Senate, to the engrossed resolution expressive of the feelings of the Legislature, on hearing of the death of Charles Carroll, of Carrollton. Ordered that the said resolution be enrolled.

A motion was made by Mr. Allen to reconsider the vote taken on Saturday, on the reference of the petition presented by Mr. Hoke from sundry citizens of Lincoln county, proposing an alteration in the three western judicial circuits; and on the question, will the Senate reconsider the said vote? it was determined in the affirmative; whereupon, on motion of Mr. Allen, ordered, that the said petition be referred to a select committee, consisting of one member from each Congressional District. Messrs. Hoke, Seawell, Wilson, Mathews, Kerr, Boddie, Stedman, Montgomery, of Hertford, Wellborn, Gavin, Toomer, Moye, of Greene, and Carson were appointed to form the said committee.

Mr. Spaight moved to amend the thirteenth rule of order for the government of the Senate, by striking therefrom the words "on" and "subject," and inserting in lieu thereof the words "of" and "substance," which amendment was unanimously agreed to.

Mr. Moye, of Pitt, from the committee appointed to conduct the balloting for Public Printer, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

A motion was made by Mr. Spaight, to reconsider the vote taken on Saturday, on the reference of the resolutions introduced by Mr. Martin, disapproving the doctrine of Nullification and the policy of a Southern Convention, and the resolutions introduced by Mr. Leak on the subject

of Nullification and the Tariff; and on the question, will the Senate reconsider the said vote? it was determined in the affirmative; whereupon the said resolutions were read the first time and passed, and, on motion of Mr. Martin, ordered to be referred to a committee of the whole House, and be made the order of the day for Friday week next.

Received from the House of Commons a message, proposing to ballot again immediately for Public Printer, which proposition was agreed to, and Messrs. Allen and Askew were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message; whereupon a message was received from the House of Commons, stating that Messrs. Burgin and Sawyer are appointed to conduct the balloting on the part of that House.

On motion of Mr. Allen, ordered, that a message be sent to the House of Commons, proposing that the two Houses proceed to ballot on Thursday next for a Governor of the State for the ensuing year; whereupon Mr. Allen nominated for that appointment John Branch, of Halifax county, and, on motion of Mr. Carter, Thomas G. Polk, of Rowan county, was added to the nomination.

Mr. Allen presented the petition of John Roberts, of the county of Buncombe, praying to be divorced from his wife Agness, together with a bill, entitled, "a bill to divorce John Roberts from his wife Agness;" which was read the first time and passed.

Mr. Askew, from the committee appointed to conduct the balloting for Public Printer, reported that Charles R. Ramsay having received a majority of the whole number of votes is duly elected; in which report the Senate concurred.

Mr. Allen presented a bill, entitled, "a bill to abolish the office of county trustee in the county of Buncombe;" which was read the first time and passed, and, on motion of Mr. Allen, ordered to be laid upon the table.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed "resolution, directing the committee on finance to burn Treasury notes;" in which they ask the concurrence of that House.

Received from the House of Commons the resignations of Evan Ellis and George Wheatly, of the county of Wilkes, and the resignation of Daniel Smith, of the county of Anson, and the resignation of W. B. Kilpatrick, of the county of Lenoir, justices of the peace for their respective counties, endorsed in that House, "read and accepted," and which were read and accepted by the Senate:

And the Senate then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, NOVEMBER 27, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled, "a bill to give exclusive jurisdiction to the superior courts of law for the county of Buncombe;" in which they ask the concurrence of that House.

Mr. Massey presented the certificate of allowance of the county court of Mecklenburg, in favor of Martha Thompson, a pensioner of the State,

which was read, and, on motion of Mr. Massey, ordered to be countersigned by the Speaker of the Senate and sent to the House of Commons.

Mr. Gavin presented the resignation of Lewis Moore, Colonel-commandant of the 32d Regiment of North Carolina Militia; which was read and accepted and sent to the House of Commons.

Mr. Montgomery, of Hertford, from the committee of propositions and grievances, to whom was referred the petition of James Long, Sheriff of Perquimons county, made a favorable report thereon, accompanied by the following resolution, to wit:

Resolved, "That the Public Treasurer refund to James Long, Sheriff of Perquimons county, or his agent, two hundred dollars, the amount of his forfeiture for his non-compliance with the act of the General Assembly, passed in the year one thousand eight hundred and thirty-one, entitled, an act more effectually to enforce the collection of taxes; and that the Public Treasurer be allowed the same in the settlement of his public accounts;" which was read the first time and passed.

Mr. Montgomery, of Hertford, from the same committee, to whom was referred the petition of John Johnson, of Orange county, made an unfavorable report thereon, recommending that the prayer of the petitioner be rejected, and asking to be discharged from the further consideration of the subject; in which report the Senate concurred, and the committee was discharged accordingly.

Mr. Montgomery, of Hertford, from the same committee, to whom was referred the petition of Peggy Johnson, of Orange county, made an unfavorable report thereon, recommending that the prayer of the petitioner be rejected, and asking to be discharged from the further consideration of the subject; in which report the Senate concurred, and the committee was discharged accordingly.

Mr. Wellborn, from the joint select committee appointed to revise the joint rules of order for the government of the two Houses, made a report thereon, recommending the adoption of the rules of order of the last session; in which report the Senate concurred; and, on motion of Mr. Montgomery, of Orange, ordered, that the rules of order for the government of the Senate, together with the joint rules of both Houses, and the constitution of the United States and of this State, be printed, one copy for each member of the Senate.

The bill, to abolish the office of county trustee in the county of Buncombe, was read the second time. Mr. Simmons moved to amend the bill, by inserting after the word "BUNCOMBE" in the fourth line of the first section, the word "COLUMBUS," and to make the provisions of the bill correspond thereto; which amendment was agreed to. Mr. Hinton moved further to amend the bill, by extending its provisions to the county of Beaufort. Mr. Carter moved further to amend the bill, by extending its provisions to the county of Rowan. Mr. Dishongh moved further to amend the bill, by extending its provisions to the county of Onslow. Mr. Boddie moved further to amend the bill, by extending its provisions to the county of Nash; and Mr. Spencer moved further to amend the bill, by extending its provisions to the county of Hyde; which several amendments were agreed to, and the bill as amended was read the second time and passed.

A message was received from the House of Commons, stating their concurrence in the proposition of the Senate, to ballot on Thursday next for Governor of the State, and informing that Richard D. Spaight is added to the nomination.

Received also from the House of Commons a message, stating that Messrs. F. A. Sawyer and Guthrie compose the joint committee on the part of that House on enrolled bills.

A message was also received from the House of Commons, proposing to ballot on to-morrow for a Major-general of the 5th Division, and stating that Alney Burgin and William Horton are in nomination for the appointment. On motion of Mr. Allen, ordered, that the said message be laid on the table.

Mr. Allen presented a bill, entitled, "a bill to erect a new county out of a portion of the county of Buncombe, by the name of Yancey," which was read the first time and passed.

The bill to divorce John Roberts from his wife Agness, was read the second and third times and passed, and ordered to be engrossed.

On motion of Mr. Morriss, "Resolved, that the Military committee be instructed to enquire into the expediency of revising the Militia Laws of this State, and making a distribution thereof among the several Militia officers; and that they report by bill or otherwise."

The resolution, in favor of James Long, Sheriff of Perquimons county, was read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons, the resignation of Reuben Allen, a justice of the peace for the county of Beaufort, endorsed in that House, "read and accepted;" and which was read and accepted by the Senate:

And the Senate then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, NOVEMBER 28, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled "a bill to divorce John Roberts and his wife Agness;" and the engrossed "resolution in favor of James Long, Sheriff of Perquimons county," in which they ask the concurrence of that House.

Josiah Collins, junior, the senator from the county of Washington, appeared, produced his credentials, was qualified and took his seat.

Mr. Spaight presented the certificates of allowance of the county court of Craven county, in favor of Captain John Rhem, Thomas Ewell and Christopher Bexley, pensioners of the State; which were read, and, on motion of Mr. Spaight, ordered to be countersigned by the Speaker of the Senate and sent to the House of Commons.

Mr. Montgomery, of Hertford, from the committee on propositions and grievances, to whom was referred the memorial of William Ellison, clerk of the court of pleas and quarter sessions of Beaufort county, praying the remission of a judgment obtained against him in Wake superior court,

made a favorable report thereon, accompanied by the following resolutions, to wit: "Resolved, that William Ellison, clerk of the county court of Beaufort, be released from the amount of a judgment of one thousand dollars, rendered against him at the county court of Wake, at August Term, 1832, for his failure to comply with an act, passed in the year 1806, entitled, an act more effectually to compel the clerks of courts, the clerks and masters in equity and the Sheriffs in this State, to make the returns required of them by law, and duly to settle and balance their public accounts;" which was read the first time and passed.

Mr. Montgomery, of Hertford, from the same committee, to whom was referred the petition of Alexander Moore, of the county of Lincoln, praying to have refunded to him, the taxes which he has paid to the State on a tract of land in said county, and which has escheated to the University, made an unfavorable report thereon, recommending that the prayer of the petitioner be rejected; in which report the Senate concurred.

Mr. Montgomery, of Hertford, from the same committee, to whom was referred the petition of Charles Baldwin, clerk of the court of pleas and quarter sessions for the county of Columbus, praying to have remitted the amount of a judgment obtained against him by the State, in Wake superior court, for failing to furnish to the Comptroller, at the time required by law, the name of the Sheriff of Columbus county and his securities, made a favorable report thereon, accompanied by the following resolution, to wit:

"Resolved, that Charles Baldwin, clerk of the county court of Columbus, be released from the amount of a judgment of one thousand dollars, rendered against him at the fall term of the superior court for the county of Wake, for his failure to comply with an act, passed in the year 1806, entitled, an act more effectually to compel the clerks of courts, the clerks and masters in equity and the sheriffs in this State to make the returns required of them by law, and duly to settle and balance their public accounts;" which was read the first time and passed.

Mr. Parker, from the select committee, to whom was referred the petition of Henry Humphrey's, of Greensboro', praying to have about six acres of land adjoining the said town, upon which he is engaged in building a Cotton Factory, together with the hands engaged in said Factory, exempted from taxation for the term of fifteen years, made a favorable report thereon, accompanied by a bill, entitled, "a bill to exempt from taxation the lands upon which Henry Humphrey's has erected a Cotton Factory, together with the laborers employed therein; which was read the first time and passed.

Mr. Cowper presented a bill, entitled, "a bill authorizing the county court of the county of Gates to have the records of said county transcribed, and to make copies of such transcribed records evidence in all suits at law and equity in this State;" which was read the first time and passed.

Mr. Martin presented a bill, entitled, "a bill to establish the Bank of North Carolina," which was read the first time and passed, and, on motion of Mr. Allen, ordered to be printed, one copy for each member of the Legislature.

Mr. Seawell presented a bill, entitled, "a bill to authorize the county court of Wake to lay a tax for building a substantial fire-proof Court House, or a substantial fire-proof Office, for the safe keeping of the public records of the county;" which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Boddie presented a bill, entitled, "a bill to amend the several laws of this State, relative to the duties of Clerks and Sheriffs," which was read the first time and passed, and, on motion of Mr. Boddie, ordered to be referred to the committee on the judiciary.

Mr. Hogan presented a bill, entitled, "a bill to regulate the courts of pleas and quarter sessions in Davidson county;" which was read the first time and passed, and being read the second time, Mr. Spencer moved to amend the bill, by inserting after the word "*Davidson*," the words "*and Hyde*," which amendment was agreed to. Mr. Dishongh moved further to amend the bill, by extending its provisions to the county of Onslow; which amendment was also agreed to, and the bill as amended was read the second and third times and passed and ordered to be engrossed.

Received from the House of Commons a message, proposing to raise a joint select committee, composed of one member from each judicial circuit in each House, to enquire into the measures most expedient to be adopted to insure the more prompt administration of justice in the superior courts of Burke, Buncombe, Lincoln and Rutherford counties; which being read, was, on motion of Mr. Allen, ordered to be laid upon the table; and, on motion of Mr. Allen, ordered, that a message be sent to the House of Commons, proposing to raise a joint select committee of one member of each House, from each Congressional District, to make the inquiry proposed by the House of Commons.

Received also from the House of Commons a message, proposing to raise a joint select committee on Banks, and the future disposition of Bank Stock belonging to the State; which proposition was agreed to, and Messrs. Toomer, Martin, Bailey, Wilson and Carson were appointed to form said committee on the part of the Senate, and the House of Commons was informed thereof by message.

A message was also received from the House of Commons, proposing that the two Houses proceed to ballot on to-morrow morning for a Brigadier-general of the 10th Brigade and 5th Division of the Militia of this State, and stating that Joseph Brevard and Edmund Bryan are in nomination for the appointment; which proposition was agreed to, and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, proposing to raise a joint select committee on the subject of a Convention, to be composed of one member from each Congressional District from each house, with permission to report by bill or otherwise; which proposition was agreed to, and Messrs. Bailey, Hinton, Marshall, Dishongh, Montgomery, of Orange, Carter, Norman, Houston, Leak, Moore, Dobson, Faison and Carson were appointed to form said committee on the part of the Senate, and the House of Commons was informed thereof by message.

A message was also received from the House of Commons, stating that they have passed the following engrossed bills. to wit, "A bill to amend an act, passed in the year 1829, entitled, an act to authorize the forming a Fire Engine Company, in the town of Elizabeth City;" and a bill to vest in the county courts of Macon and Rutherford counties, power to appoint places of public sale in said counties:" in which they ask the concurrence of the Senate; whereupon the first mentioned bill was read the first, second and third times and passed, and ordered to be enrolled; and the last mentioned bill was read the first and second times and passed.

The Senate then entered upon the orders of the day, and proceeded to take up and consider the bill, vesting the right of electing clerks of the superior and county courts in the several counties in this State in the free white men thereof; when, on motion of Mr. Seawell, ordered, that the further consideration of the said bill be postponed to, and be made the order of the day for, Friday next.

Mr. Montgomery, of Orange, presented the following resolution, to wit:

Resolved, that a select committee be appointed to inquire into and report to this House, as far as practicable, the amount of shares held by the State in the several Banks within the State, the capital stock of said Banks, the amount of dividends and bonus divided by them since their establishment, the amount of specie paid on the stock originally subscribed, the amount of notes now in circulation issued by the Banks in this State, and the specie in their vaults; and any other information connected with these inquiries, that they may deem important to this House;" which, after being read, was, on motion of Mr. Martin, ordered to be laid upon the table.

Mr. Allen presented a bill, entitled, "a bill concerning the supreme court," which was read, and, on motion of Mr. Williams, ordered to be laid upon the table.

The bill to erect a new county out of a portion of the county of Buncombe, by the name of Yancey, was read the second time, and, on motion of Mr. Lamb, ordered, that the further consideration thereof be postponed until Monday next. Ayes 30. Noes 30, the Speaker voting in the affirmative: The ayes and noes being demanded by Mr. Allen, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Askew, Bailey, Bell, Boddie, Bullock, Collins, Cowper, Dishongh, Faison, Harrison, Hinton, Howell, Hussey, Lamb, Latham, Lindsay, Marshall, Mathews, Montgomery, of H., Moye, of G., Moye, of P., Rhodes, Seawell, Simmons, Skinner, Spaight, Spencer, Wilder, Williams, Wilson.

Those who voted in the negative are, Messrs. Allen, Allison, Brittain, Carson, Carter, Dobson, Gavin, Hall, Hogan, Hoke, Houston, Kerr, Leake, Lilley, McDowell, Martin, Massey, Melvin, Moffitt, Montgomery, of O., Moore, Morris, Parham, Parker, Ray, Stedman, Toomer, Tyson, Vanhook, Wellborn.

The resolutions in favor of William Ellison and Charles Baldwin, were read the second and third times and passed and ordered to be engrossed.

On motion of Mr. Carson,

Resolved, That the judiciary committee be instructed to inquire if any, and what provision by law is necessary, to enable parties to suits where grants for lands, issued by the State of North Carolina, shall be investigated, to shew that such grants have been obtained fraudulently; and further, to inquire what amendments are necessary to be made, if any, to the statute of one thousand seven hundred and fifteen, passed for quieting titles to lands within this State."

Mr. Seawell presented a bill, entitled, "a bill to incorporate the experimental Rail-road Company, in the city of Raleigh;" which was read the first and second times and passed; and, on motion of Mr. Martin, ordered to be laid upon the table.

Mr. Carson presented the petition of Theodorick F. Birchett, R. G. Twitty and John W. Harris, praying the Legislature to grant them a charter for a Turnpike-road, on a part of the road leading from Rutherfordton to Ashville, by the Hickory Nut Gap. On motion of Mr. Carson, ordered, that the said petition be referred to the committee on internal improvement.

Received from the House of Commons a message, stating that Messrs. Ridley and McNeil are appointed additional members on the committee on enrolled bills, on the part of that House.

Received also from the House of Commons the resignation of Moses Whiteside, a justice of the peace for the county of Buncombe, endorsed in that House, "read and accepted," and which was read and accepted by the Senate:

And the Senate then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, NOVEMBER 29, 1832.

A message was sent to the House of Commons stating, that the Senate have passed the following engrossed resolutions, viz. "Resolution

in favor of William Ellison," and a "Resolution in favor of Charles Baldwin." In which they ask the concurrence of that House.

Messrs. Massey and Hoke were appointed a committee on the part of the Senate, to conduct the balloting for a Brigadier-general of the 10th Brigade and 5th Division, and the House of Commons was informed thereof by message.

Mr. Hogan presented the resignations of Philip Hedrick, lieutenant-colonel, and J. S. Harris, major of the first regiment of Davidson county Militia; which were read and accepted and sent to the House of Commons.

Mr. Montgomery, of Hertford, from the committee on propositions and grievances, to whom was referred the petition of Joshua Williamson, Sheriff of Columbus county, praying to be released from a forfeiture of two hundred dollars, incurred by him for failing to comply with an act of Assembly, passed in 1831, made a favorable report thereon, accompanied by the following resolution, to wit:

Resolved, That Joshua Williamson, Sheriff of Columbus county, be released from the amount of a judgment of two hundred dollars, rendered against him, at the fall term of the superior court, 1832, in Wake county, for his failure to comply with the act of 1831, entitled, an "act to increase the liability of Sheriffs, and to provide more effectually for the collection of taxes;" *Provided* the costs for which judgment was rendered in said case be duly paid by the said petitioner;"

Which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Montgomery, of Hertford, from the same committee, to whom was referred the resolution in favor of Nathaniel Harrison, Sheriff of Buncombe, William C. Butler, Sheriff of Burke, and sundry other Sheriffs of the State, made a favorable report thereon, accompanied by the following resolutions, which they recommend as a substitute for the one referred to the committee, to wit: "Resolved, That the Public Treasurer of the State of North Carolina be, and he is hereby required to refund to Nathaniel Harrison, William C. Butler, Martin Roberts, John J. Bryan, James W. Doak, Samuel Cain, William R. Hinton, Joseph Medley, Thomas Ward, Isaac Baxter, John Barnet, James R. Riddick, Thomas B. Wright, James H. Wood and Lewis Bond, Sheriffs of the counties of Buncombe, Burke, Rockingham, Wilkes, Guilford, Bladen, Wake, Anson, Lincoln, Currituck, Person, Gates, Surry, Northampton and Bertie or their order, two hundred dollars, the amount of the forfeitures by them incurred and paid over under the act of Assembly, passed in the year 1831, entitled, "an act to increase the liabilities of Sheriffs, and to provide more effectually for the collection of taxes."

"Be it further Resolved, That Stephen Owen, John Black and William Crawford, Sheriffs of the counties of Beaufort, Cumberland and Richmond, be released from the amount of a judgment of two hundred dollars, rendered against them at the Fall Term of Wake superior court, in 1832, for their failure to comply with the act of 1831, entitled, "an act to increase the liability of Sheriffs, and to provide more effectually for the collection of taxes; provided the costs for which judgments were rendered in said cases against the said Sheriffs of Beaufort, Cumberland and Richmond, be respectively and duly paid by said Sheriffs;"

Which resolutions were read the first, second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that Messrs. Abernathy and Ward are appointed a committee on the part of that House to conduct the balloting for a Brigadier-general of the 10th Brigade and 5th Division.

On motion of Mr. Allen, a message was sent to the House of Commons, stating that Messrs. Allen and Carter attend that House to conduct the balloting on the part of the Senate, for Governor of the State, heretofore agreed on to take place this day.

The engrossed bill to vest in the county courts of Macon and Rutherford counties, power to appoint places of public sale in said counties, was read the third time. Mr. Carson moved to amend the bill, by inserting after the word "Macon," in the fourth line of the first section, the word "Burke," and to make the provisions of the bill correspond thereto; which amendment was agreed to. Mr. Carson moved further to amend the bill, by adding the following proviso at the end of the first section, to wit: "Provided that nothing herein contained shall be so construed, as to affect the laws now in force in said counties, in regard to the sale of lands and slaves;" which amendment was also agreed to, and the bill as amended was read the third time and passed; and a message sent to the House of Commons asking their concurrence in the amendments.

The bill to exempt from taxation the lands upon which Henry Humphreys has erected a Cotton Factory, together with the laborers employed therein, was read the second time. Mr. Parker moved to amend the bill, by striking out the following words in the first section, to wit: "And all the regular laborers that may be employed in said Factory." Mr. Skinner moved that the further consideration of the said bill and amendment be indefinitely postponed; which motion was agreed to. Ayes 42. Noes 16. The Ayes and Noes being demanded by Mr. Williams are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allison, Askew, Bailey, Bell, Boddie, Brittain, Carson, Collins, Cowper, Dishongh, Faison, Gavin, Hall, Harrison, Hawkins, Hoke, Howell, Hussey, Kerr, Latham, Leak, McDowell, Marshall, Matthews, Melvin, Morris, Moye, of G., Moye, of P., Norman, Parham, Ray, Rhodes, Seawell, Simmons, Skinner, Spaight, Spencer, Stedman, Toomer, Wilder, Williams, Wilson.

Those who voted in the negative are, Messrs. Bullock, Dobson, Hinton, Hogan, Houston, Lamb, Lilley, Massey, Moffitt, Montgomery, of H., Montgomery, of O., Moore, Parker, Tyson, Vanhook, Wellborn.

Received from the House of Commons a message, stating that Messrs. Emmitt and Cromwell attend the Senate, to conduct the balloting on the part of that House for Governor of the State.

Mr. Massey, from the committee appointed to conduct the balloting for a Brigadier-general of the 10th Brigade, reported that Edmund Bryan, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

The Senate then entered on the orders of the day, and proceeded to consider the bill to establish the Bank of North Carolina; when, on motion of Mr. Wilson, ordered, that the said bill be committed to a committee of the whole House, and be made the order of the day for Tuesday next.

Mr. Allen, from the committee appointed to conduct the balloting for

Governor of the State, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

The bill to abolish the office of county trustee in the counties of Buncombe, Columbus, Beaufort Rowan, Onslow, Nash and Hyde, was read the third time. Mr. Parker moved to amend the bill so as to make its provisions extend to the county of Guilford; which amendment was agreed to. Mr. Allen moved further to amend the bill, by inserting after the word "Equity," in the third line of the fourth section, the following words, "the county Ranger, and all other persons receiving county monies;" which amendment was also agreed to, and the bill as amended was read the third time and passed, and ordered to be engrossed.

On motion of Mr. Hawkins, ordered, that a message be sent to the House of Commons, proposing to ballot again immediately for Governor of the State.

Mr. Hussey presented a bill, entitled, "a bill to incorporate a Cavalry Company in the county of Duplin;" which was read the first and second times and passed.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled, "a bill to authorize the county court of Wake to lay a tax for building a substantial fire-proof Court House, or a substantial fire-proof office, for the safe keeping of the Public Records of the county;" in which they ask the concurrence of that House.

On motion of Mr. Allen, the bill concerning the supreme court was taken up, and ordered to be referred to the committee on the judiciary.

Mr. Hoke presented a bill, entitled, "a bill concerning the removal of causes for trial;" which was read the first time and passed.

On motion of Mr. Martin, ordered, that John H. Hawkins, the Senator from the county of Warren, have leave of absence from the services of the Senate for yesterday.

On motion of Mr. Askew, ordered, that William W. Boddie, the senator from the county of Nash, have leave of absence from the services of the Senate from and after to-day until Sunday next.

On motion of Mr. Martin, the Senate proceeded to take up and consider the resolution offered on yesterday, by Mr. Montgomery, of Orange, calling on the several banks in this State for certain information; and the resolution having been read, Mr. Montgomery, of Orange, moved to amend it, by adding the following as an additional resolution, to wit: "Resolved further, that said committee be, and they are hereby instructed to ascertain the amount of funds belonging to the State, specifying their description, the gross amount of each, and the interest, if any, due thereon, and report to the Senate as soon as practicable;" which amendment was agreed to, and the resolution, as amended, was read and adopted; whereupon Messrs. Montgomery, of Orange, Parker, Kerr, Brittain and Cowper were appointed to form said committee.

Mr. Lindsay presented a bill, entitled, "a bill exempting Powel's Point and Poplar Branch companies of Militia, in Currituck county, from attending regimental musters at the Court House therein;" which was

read the first, second and third times and passed and ordered to be engrossed.

On motion of Mr. Cowper,

Resolved, That the committee on the judiciary be, and they are hereby instructed to inquire, into the expediency of requiring the superior courts of this State, to proceed regularly to business on some one of their dockets, on the first day of their Term; or, if that provision be deemed inexpedient, that the said committee inquire into the propriety of not requiring witnesses to attend until second day of said terms, and to be paid accordingly."

On motion of Mr. Martin, the Senate proceeded to take up the bill to incorporate the Experimental Rail-road Company, in the city of Raleigh; and the bill being read the third time, Mr. Martin moved to amend it, by inserting the following proviso at the end of the fifth section, to wit:

And provided nevertheless, That nothing in this act shall authorize or permit the said corporation to demand from any person or persons, who may hereafter contract for the erection of any building or work for the use of the State, in which rock may be deemed a necessary material, a greater price for transporting rock on the said Rail-road, than two-thirds of the usual price charged by owners of waggons;

Which amendment was agreed to, and the bill as amended was read the third time and passed, and ordered to be engrossed.

The bill, authorizing the county court of the county of Gates, to have the records of said county transcribed, and to make copies of such transcribed records evidence in all suits at law and equity in this State, was read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating their concurrence in the proposition of the Senate, to ballot again immediately for Governor of the State, and informing that Thomas G. Polk is withdrawn from the nomination; and stating further, that Messrs. Emmitt and Cromwell attend the Senate to conduct the balloting on the part of that House; whereupon Messrs. Hawkins and Carter were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message:

And then the Senate adjourned until to-morrow morning, 10 o'clock.

FRIDAY, NOVEMBER 30, 1832.

A message was sent to the House of Commons stating, that the Senate have passed the following engrossed bills and resolutions, to wit: "A bill authorizing the county court of the county of Gates, to have the records of said county transcribed, and to make copies of such transcribed records evidence in all suits at law and equity in this State. "A bill to incorporate the Experimental Rail-road Company, in the city of Raleigh." "A bill to abolish the office of county trustee, in the counties of Buncombe, Nash, Hyde, Guilford, Rowan, Onslow, Columbus and Beaufort." "A bill exempting Powel's Point and Poplar Branch companies of Militia, in Currituck county, from attending regimental musters at the Court House therein." "A bill to regulate the courts of pleas and quarter sessions of Davidson, Hyde and Onslow counties." "Resolutions in favor of William C. Butler and others:" and "a resolution in favor of Joshua Williamson, Sheriff of Columbus county," in which they ask the concurrence of that House.

Mr. Hawkins, from the committee appointed to conduct the balloting for Governor of the State, reported that no person in nomination had received a majority of votes; in which report the Senate concurred.

On motion of Mr. Hawkins, ordered, that a message be sent to the House of Commons, proposing that another balloting be had immediately for Governor of the State.

Mr. Morris presented the petition of sundry citizens of the county of Anson, praying the passage of an act to permit Ralph Freeman, a freeman of color of said county, to exercise the functions and privileges of a preacher of the Gospel. On motion of Mr. Morris, ordered, that the said petition be referred to the committee on propositions and grievances.

Mr. Martin, from the committee on claims, to whom was referred the petition of William Keath, praying to have issued to him a grant for six hundred and forty acres of land, in the county of New Hanover, made a favorable report thereon, accompanied by the following resolution, to wit:

Resolved, That the Secretary of State be authorized to issue a grant to William Keath, for six hundred and forty acres of land, lying on the south-west of Lyon Swamp, in New Hanover county, agreeably to the Treasurer's receipt, number two hundred and sixty-seven, dated the 19th November, 1813, and in conformity with the accompanying plot of the Surveyor, made on the 4th of February, 1826;"

Which was read the first, second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, agreeing to the proposition of the Senate to ballot again immediately for Governor of the State, and informing that David L. Swain is added to the nomination; and stating further, that Messrs. Gwyn and Hartley attend the Senate to conduct the balloting on the part of that House; whereupon Messrs. Wilson and Harrison were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Montgomery, of Hertford, from the committee on propositions and grievances, to whom was referred the bill to restore John Bates, of Macon county to credit, reported the same without amendment, and recommended that it be passed into a law; whereupon the said bill was read the second and third times and passed, and ordered to be engrossed.

Mr. Montgomery, of Hertford, from the same committee, to whom was referred the petition of sundry citizens of the county of Wilkes, praying the passage of an act, to restore to the privileges of a citizen, Joshua Pinion, of said county, made a favorable report thereon, accompanied by a bill, entitled, "a bill to restore Joshua Pinion, of Wilkes county to credit;" which was read the first, second and third times and passed, and ordered to be engrossed.

On motion of Mr. Seawell, ordered, that a message be sent to the House of Commons, proposing to ballot immediately for Major-general of the 5th Division of Militia; and, on motion of Mr. Allen, the name of William D. Smith was added to the nomination.

Mr. Hinton presented the following preamble and resolution, to wit:

"Whereas it often happens, that the widows and infant children of intestates, are left in possession of some property, but too inconsiderable in amount to be an inducement to any person to administer thereon and undertake the settlement of the debts of such intestates,

by reason of which, such widows and children cannot lawfully dispose of any part of such property, upon which to subsist: *Be it therefore resolved*, That the committee on the judiciary be instructed to inquire into the expediency of giving the right to such widows of filing petitions for one year's support, and have the same laid out in the same manner, as if administrations had been granted on such estates, and that they report by bill or otherwise; Which was read and adopted.

Mr. Wilson, from the committee appointed to conduct the balloting for Governor of the State, reported that no person in nomination had received a majority of the votes, in which report the Senate concurred.

Received from the House of Commons a message, proposing to ballot again immediately for Governor of the State; which proposition was agreed to, and Messrs. Mathews and Moore were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message; whereupon a message was received from the House of Commons, stating that Messrs. Cunningham and Hurst are appointed to conduct the balloting on the part of that House.

Received also from the House of Commons a message, stating that Messrs. Barringer, Polk, Hill, G. A. Thompson and Sumner are appointed to form the committee on the part of that House, on banks and the bank stock belonging to the State; and that Messrs. Pearson, Courts, Causler, Dews, Peoples, Mangum, Eccles, Arrington, Laspeyre, Burns, Potts, Outlaw and John B. Jones, are appointed to form the committee on the part of that House, on the subject of a Convention.

A message was also received from the House of Commons, agreeing to the proposition of the Senate, to raise a joint select committee, consisting of one member in each House from each Congressional District, to inquire into the measures most expedient to be adopted, to insure the more prompt administration of justice in the superior courts of Burke, Buncombe, Lincoln and Rutherford counties; and stating, that Messrs. Davidson, Dews, Barringer, Pearson, Poindexter, Sumner, Eccles, Bragg, McMillan, Shepard, Spruill, Daniel and S. T. Sawyer compose the said committee on the part of that House.

Mr. Bell presented a bill, entitled, a "bill to authorize the justices of the peace for the county court of Camden, on petition, to appoint commissioners to set off widows' dowers, to lay out, alter or straighten roads, &c. which was read the first time and passed; and, being read the second time, Mr. Allen moved to amend the bill, by extending its provisions to the county of Buncombe; which amendment was agreed to. Mr. Cowper moved further to amend the bill, by extending its provisions to the county of Gates. Mr. Skinner moved further to amend it, by extending its provisions to the county of Perquimons. Mr. Seawell moved further to amend it, by extending its provisions to the county of Wake; which several amendments were agreed to. Mr. Seawell moved further to amend the bill, by adding the following proviso at the end of the third section, to wit:

"Provided always, That no road shall be laid out, straightened or altered without the consent of the owner of the land, through which the road so laid out or altered shall pass;"

Which amendment was also agreed to. Mr. Collins moved further to amend the bill, by extending its provisions to the counties of Washington and Tyrrell. Mr. Wellborn moved further to amend the bill, by extend-

ing its provisions to the county of Wilkes. Mr. Vanhook moved further to amend it, by extending its provisions to the county of Person. Mr. Hinton moved further to amend it, by extending its provisions to the county of Beaufort, and Mr. Spencer moved further to amend it, by extending its provisions to the county of Hyde; which several amendments were also agreed to; and, on motion of Mr. Carson, ordered, that the said bill be referred to the committee on the judiciary, with instructions to inquire into the expediency of reporting a general bill upon the subject of its provisions.

The bill to incorporate a Cavalry Company in the county of Duplin, was read the third time and passed, and ordered to be engrossed; and the bill concerning the removal of causes for trial, was read the second time, and, on motion of Mr. Hoke, ordered to be referred to the committee on the judiciary.

Received from the House of Commons a message, stating that they have passed the engrossed bill declaratory of the law now in force, giving to the courts of pleas and quarter sessions of the several counties within this State, the power to alter and fix separate places of election;" and the engrossed resolution in favor of Ephraim Christopher, in which they ask the concurrence of the Senate; whereupon the said bill was read the first time and passed; and the resolution was read the first, second and third times and passed and ordered to be enrolled.

Mr. Mathews, from the committee appointed to conduct the balloting for Governor of the State, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

A message was received from the House of Commons, proposing to ballot again immediately for Governor of the State; which proposition was agreed to; and Messrs. Williams and Dobson were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message; whereupon a message was received from the House of Commons, stating that Messrs. Marsteller and Hinton are appointed to conduct the balloting on their part.

Received from the House of Commons the certificates of allowance of the county court of Craven, in favor of John Rhem, Thomas Ewell and Christopher Bexly, endorsed in that House, "read and ordered to be countersigned by the Speaker of the House of Commons."

Received also from the House of Commons the resignation of William W. Price, Colonel-commandant of the Caswell regiment of Militia; endorsed in that House, "read and accepted," and which was read and accepted by the Senate:

And the Senate then adjourned until to-morrow morning, 10 o'clock.

SATURDAY, DECEMBER 1, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills and resolution, to wit: "a bill to incorporate a Cavalry Company in the county of Duplin." "A bill to restore John Bates, of Macon county, to credit." A bill to restore Joshua

Pinion, of Wilkes county, to credit; and "a resolution in favor of William Keath;" in which they ask the concurrence of that House.

Mr Williams, from the committee appointed to conduct the balloting for Governor of the State, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

On motion of Mr. Mathews, ordered, that a message be sent to the House of Commons, proposing that another balloting be had immediately for Governor of the State: and, on motion of Mr. Allen, the name of John Branch was withdrawn; and, on motion of Mr. Hawkins, that of Joseph H. Bryan was added to the nomination.

Mr. Hussey presented a bill, entitled, "a bill to prevent the felling of timber in, or otherwise obstructing the navigation of Goshen, between Hurst's Bridge and the North-east river;" which was read the first, second and third times and passed, and ordered to be engrossed.

A message was received from the House of Commons, concurring in the proposition of the Senate to ballot again immediately for Governor of the State, and informing that Joseph H. Bryan, of Granville county is added to the nomination; and stating further, that Messrs. Whitaker and Blowe attend the Senate, to conduct the balloting on the part of that House; whereupon Messrs. Kerr and Bell were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

The engrossed bill, declaratory of the law now in force, giving to the courts of pleas and quarter sessions of the several counties within this State, the power to fix and alter separate places of election, was read the second time. Mr. Carson moved that the said bill be laid upon the table; which was not agreed to. The question then recurring on the passage of the bill the second time, it was decided in the affirmative.

Mr. Moore presented a bill, entitled, "a bill to repeal an act, passed in the year 1830, chapter 40, to prohibit the circulation in this State, after the 4th day of July, 1832, of bank notes under five dollars, issued by the banks of other States;" which was read the first time and passed.

Mr. Bell, from the committee appointed to conduct the balloting for Governor of the State, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred; and, on motion of Mr. Bell, ordered, that a message be sent to the House of Commons, proposing another balloting immediately for Governor; whereupon a message was received from that House agreeing to the proposition, and stating that Messrs. McLaurin and Roberts attend the Senate, to conduct the balloting on their part. Messrs. Montgomery, of Orange, and Wilder were thereupon appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

A message was received from the House of Commons, stating that the proposition of the Senate of yesterday, to ballot immediately for a Major-general of the 5th Division, was disagreed to.

Received also from the House of Commons a message, stating their concurrence in the amendment made by the Senate to the engrossed bill, entitled, "a bill to vest in the county courts of Macon and Rutherford counties, power to appoint places of public sale in said counties." Ordered, that the said bill be enrolled.

A message was also received from the House of Commons, stating that they have passed the engrossed "resolution relating to the clerks of Haywood and

Macon counties;" in which they ask the concurrence of the Senate; whereupon the said resolution was read and adopted, and ordered to be enrolled.

Mr. Montgomery, of Orange, from the committee appointed to conduct the balloting for Governor, reported that David L. Swain had received a majority of the whole number of votes, and was duly elected; in which report the Senate concurred.

On motion of Mr. Mathews, ordered, that a message be sent to the House of Commons, proposing to raise a joint select committee of two members from each House, to wait on the Governor elect, and inform him of his election, and to ascertain at what time it will be convenient for him to attend the Legislature, and take the necessary oaths prescribed for his qualification; whereupon Messrs. Mathews and Leak were appointed to form said committee on the part of the Senate, and the House of Commons was informed thereof by message.

The following members were appointed to form the joint select committee on the part of the Senate, to inquire into the measures most expedient to be adopted to ensure the more prompt administration of justice in the superior courts of Burke, Buncombe, Lincoln and Rutherford counties, to wit: Messrs. Hoke, Seawell, Wilson, Mathews, Kerr, Boddie, Stedman, Montgomery, of Hertford, Wellborn, Gavin, Toomer, Moye, of Green, and Carson; and a message sent to the House of Commons informing them thereof.

And the Senate then adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 3, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled, "a bill to prevent the falling of timber in, or otherwise obstructing the navigation of Goshen, between Hurst's Bridge and the North-east river;" in which they ask the concurrence of the House of Commons.

Mr. Hinton presented the petition of sundry citizens of the county of Beaufort, praying an appropriation to enable them to clear out and render navigable Pungo river in said county. On motion of Mr. Hinton, ordered, that the said petition be referred to the committee on internal improvement.

On motion of Mr. Williams, ordered, that James Rhodes, the senator from the county of Wayne, have leave of absence from the services of the Senate, for this day and to-morrow.

Mr. Hawkins, from the joint select committee on military affairs, to whom was referred a resolution from the House of Commons, instructing them to inquire into the expediency of so amending the militia laws, as to exempt the militia of Knott's Island from attending general, regimental, or battalion musters at the Court House of Currituck county, made a favorable report thereon, accompanied by a bill, entitled, "a bill to exempt the militia residing on Knott's Island, from attending at the Court House of Currituck on general, regimental, or battalion musters;" which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Hawkins, from the same committee, to whom was referred a resolution from the House of Commons, instructing them to inquire into the expediency of so amending the militia laws as to exempt officers, who have held a commission for five years, from thereafter doing military duty, made an unfavorable report thereon, expressing the opinion that no legislation was necessary upon the subject; in which report the Senate concurred.

Mr. Allen presented a bill, entitled, "a bill to repeal an act, passed in the year 1830, entitled, "an act to repeal part of the second section of an act, passed

in the year 1806, chapter 708," entitled, "an act to revise the militia laws of this State," which was read the first time and passed.

Received from the House of Commons a message, transmitting a communication from the Public Treasurer, covering sundry statements of the affairs of the Bank of Cape Fear and of the State Bank of North Carolina, received at the Treasury Office since the annual report from that department; and which was accompanied by a proposition from that House, that the same be printed; which proposition was agreed to, and the House of Commons was informed thereof by message.

A message was also received from the House of Commons, stating that they have passed the following engrossed bills, to wit: "A bill to amend an act, entitled, an act to appoint one additional place of sale in Hyde county, passed in the year 1831;" "a bill to incorporate the Franklin Guards;" "a bill to incorporate a Cavalry Company in the county of Hertford," and, "a bill to incorporate the Gatesville Troopers;" in which they ask the concurrence of the Senate; whereupon the two first mentioned bills were read the first, second and third times and passed, and ordered to be enrolled; and the third mentioned bill having been read the first and second times and passed, Mr. Hawkins moved that it be referred to the committee on military affairs; which motion was not agreed to, and the bill was thereupon read the third time and passed, and ordered to be enrolled. The last mentioned bill being then read the first time and passed, Mr. Hawkins moved that it be laid upon the table; which motion was not agreed to, and the bill was thereupon read the second and third times and passed, and ordered to be enrolled.

Received also from the House of Commons a message, proposing to ballot immediately for Major-general of the 5th Division, and stating that David Newland, is added to the nomination; which proposition was agreed to, and, on motion of Mr. Allen, the name of William D. Smith was withdrawn from the nomination, and Messrs. Morris and Stedman were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

The bill to repeal an act, passed in the year 1830, chapter 40, to prohibit the circulation in this State, after the 4th day of July, 1832, of bank notes under five dollars, issued by the banks of other States, was read the second time and passed. Ayes 31. Noes 28. The ayes and noes being demanded by Mr. Simmons are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allen, Allison, Brittain, Carson, Carter, Dobson, Hall, Harrison, Hinton, Hogan, Hoke, Houston, Kerr, Lamb, Lilley, McDowell, Martin, Massey, Moffit, Montgomery, of O., Moore, Morris, Parham, Parker, Ray, Seawell, Simmons, Spencer, Tyson, Vanhook, Wellborn.

Those who voted in the negative are, Messrs. Askew, Bailey, Bell, Boddie, Bullock, Collins, Cowper, Dishongh, Faison, Gavin, Hawkins, Howell, Hussey, Latham, Lindsay, Marshall, Mathews, Melvin, Montgomery, of H., Moye, of G., Moye, of P., Norman, Spaight, Stedman, Toomer, Wilder, Williams, Wilson.

Received from the House of Commons a message, stating that Messrs. Hart and Clark attend the Senate to conduct the balloting for Major-general of the 5th Division, on the part of that House.

Mr. Hawkins presented the annual report of the Adjutant-general of the militia of this State, with sundry accompanying documents; which, on motion of Mr. Wilson, were ordered to be transmitted to the House of Commons, with a proposition that they be referred to the joint select committee on military affairs and be printed, one copy for each member of the Legislature.

On motion of Mr. Hinton,

Resolved, That the committee on Military affairs, be instructed to inquire into the ex-

pediency of passing some general law, whereby companies of Cavalry, Light Infantry, Rifle Corps and Artillery Companies may obtain the benefit of corporate powers; and if they deem the same expedient, that they report a general bill upon the subject."

Mr. Marshall presented a bill, entitled, "a bill to authorize David W. Borden, of Carteret county, to erect a gate across the road leading from the cross roads on White Oak River to Borden's Ferry;" which was read the first time and passed; and, on motion of Mr. Askew, ordered to be referred to the committee on propositions and grievances.

Mr. Morris, from the committee appointed to conduct the balloting for a Major-general of the 5th Division, reported that no person in nomination had received a majority of the votes, in which report the Senate concurred; whereupon, on motion of Mr. Allen, ordered, that a message be sent to the House of Commons, proposing to ballot again for that office on to-morrow.

Mr. Martin presented the following preamble and resolution, to wit:

"Whereas, many of the good people of North Carolina entertain the opinion, that the constitution of this State is defective in some of its provisions, more especially in the present mode of representation, which, instead of being on the just and equitable basis of taxation and population, is, according to geographical limits, unequal in size, and greatly disproportionate in wealth and numbers; that the right of electing the Governor of the State, ought to be vested in the free people thereof; and that biennial meetings of the General Assembly, subject to the call of the Governor, would enable it to discharge all its necessary duties to the country, and be of great saving to the State: And whereas, many of the people of this State likewise entertain the opinion, that the seat of government should be removed to some place uniting more advantages than the city of Raleigh; and believing they have retained in their own hands the power of altering or amending the constitution, and of removing the seat of government, without being restrained in the mode or manner in which such amendments are to be made; it is believed to be most expedient, under existing circumstances, to submit these several questions directly to the people of this State, Therefore,

Resolved, That the joint select committee, on the subject of a Convention be, and they are hereby instructed to inquire, into the expediency of preparing amendments to the constitution of this State, on the several subjects herein contained, with a view to their being presented to the free people of this State, at their next August elections, for their ratification or rejection:"

And the said preamble and resolution having been read, Mr. Montgomery, of Hertford, moved to amend the resolution, by adding the following at the end thereof, to wit:

"Resolved further, That the said committee be also instructed to inquire into the expediency of limiting the right of suffrage, in the election of members of the General Assembly to the free white men of this State;"

Which amendment was agreed to: the question then recurring on the adoption of the preamble and resolution as amended, it was determined in the affirmative.

The engrossed bill declaratory of the law now in force, giving to the courts of pleas and quarter sessions of the several counties within this State, the power to alter and fix separate places of election, was read the third time, and resolved that the same shall not pass; and a message was sent to the House of Commons informing them thereof.

Mr. Carter presented a bill, entitled, "a bill to prevent the felling of timber in, or otherwise obstructing the run of Bear Creek and its branches, in the counties of Lenoir and Wayne;" which was read the first and second times and passed.

Received from the House of Commons a message, proposing to ballot again immediately for Major-general of the 5th Division, and informing that the name of William Horton is withdrawn from the nomination. On motion of Mr. Montgomery, of Orange, ordered, that the said message be laid upon the table.

Received from the House of Commons the resignation of John Kincaide, as Colonel, and of David Tate as Lieutenant-colonel of the first regiment of Burke county Militia; also the resignation of Peter Simmons, a justice of the peace for the county of Surry, which were severally endorsed in that House. "read and accepted," and which were read and accepted by the Senate.

And then the Senate adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 4, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled, "a bill to exempt the Militia of Knott's Island from attending general, regimental, or battalion musters at the Court House of Corrituck;" in which they ask the concurrence of that House.

Received from the House of Commons a message, agreeing to the proposition of the Senate to ballot again on this day for a Major-general of the 5th Division, and stating that Messrs. Sherwood and Word attend the Senate to conduct the balloting on the part of that House; whereupon Messrs. Latham and Dishongh were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Montgomery, of Hertford, from the committee on propositions and grievances, to whom was referred the memorial of sundry citizens of the county of Rowan, praying the annexation of a part of that county to the county of Davidson, made a report thereon, expressing the opinion that no legislation is necessary on the subject, and asking to be discharged from the further consideration thereof; which being read, on motion of Mr. Hogan, ordered that it be laid on the table.

Mr. Seawell, from the committee on the judiciary, to whom was referred the resolution, instructing them to inquire into the expediency of requiring the superior courts of this State, to proceed regularly to business on some one of their dockets, on the first day of their term, or if that provision be deemed inexpedient, that the said committee inquire into the propriety of not requiring witnesses to attend, until the second day of said terms and to be paid accordingly, made a verbal report thereon, stating that in the opinion of the committee, no legislation is necessary upon the subject; in which report the Senate concurred.

Mr. Seawell from the same committee, to whom was referred the bill to authorise the justices of the peace for the county courts of Camden, Buncombe, Gates, Perquimons, Wake, Washington, Tyrrell, Wilkes, Beaufort, Person and Hyde. On petition, to appoint commissioners to set off widows' dowers, to lay out, alter, straighten roads, &c. reported the same without amendment, and the bill being read the second time, Mr. Moye, of Pitt moved to amend it by inserting the word "Pitt," which amendment was agreed to. Mr. Bullock moved further to amend it, by inserting the word "Chowan." Mr. Wilder moved to insert "Johnston." Mr. Gavin moved to insert "Sampson." Mr. Leak moved to insert "Richmond." Mr. Norman moved to insert "Granville." Mr. Lindsay moved to insert "Currituck." Mr. Montgomery, of Hertford, moved to insert "Hertford." Mr. Hussey moved to insert "Duplin." Mr. Lamb moved to insert "New Hanover." Mr. Stedman moved to insert "Chatham." Mr. Carter moved to insert "Rowan, Mecklenburg and Cabarrus." Mr. Lilley moved to insert "Montgomery." Mr. Martin moved to insert "Rockingham;" and Mr. Hall moved to insert "Brunswick;" which several amendments were agreed to. Mr. Seawell moved further to amend the bill, by inserting the following words after the word "County," in the

third line of the third section, to wit. "After due advertisement as now required by law, if the prayer of the petition shall be granted." Mr. Carter moved that the bill with the amendment be laid upon the table; which was not agreed to. Mr. Hinton moved that the further consideration of the bill and amendments be postponed until to-morrow; which motion was agreed to.

Mr. Latham, from the committee appointed to conduct the balloting for Major-general of the 5th Division, reported that David Newland having received a majority of the whole number of the votes, is duly elected; in which report the Senate concurred.

Mr. Montgomery, of Orange, from the select committee, to whom was referred the resolution instructing them to inquire into the affairs of the several banks, and the funds and bank stock belonging to the State, made a detailed report thereon; which, on motion of Mr. Montgomery, of Orange, was ordered to be laid upon the table and be printed, one copy for each member of the Legislature.

On motion of Mr. Wellborn,

Resolved, That the Senate do adjourn on to-morrow, at 12 o'clock; and that the use of their chamber be tendered to the electors of President and Vice-President after that hour.

Resolved further, That the clerk of this House notify the said electors of this resolution."

A message was received from the House of Commons, stating their concurrence in the proposition of the Senate to raise a joint select committee, consisting of two members on the part of each House, to wait upon His Excellency the Governor elect, inform him of his election, and to ascertain at what time it will be convenient for him to take the oaths of qualification; and informing that Messrs. Barringer and Dockery are appointed to form said committee on the part of that House.

Received also from the House of Commons a message, transmitting a communication from His Excellency the Governor, enclosing the official returns of votes given for electors of President and Vice-President of the United States, received at the Executive Department of North Carolina. Ordered, that the communication, with the accompanying documents, be laid upon the table.

A message was also received from the House of Commons, stating that they have passed the following engrossed bills, to wit: "A bill to vest the right of electing the clerks of the county and superior courts in the several counties within this State, in the free white men thereof;" and a bill making compensation to tales-jurors in the county of Robeson;" in which they ask the concurrence of the Senate; whereupon the said bills were read the first time and passed and, on motion of Mr. Howell, ordered, that the last mentioned bill be laid upon the table.

The Senate then entered upon the orders of the day, and proceeded to take up and consider the bill to establish the Bank of North Carolina; when, on motion of Mr. Montgomery, of Orange, ordered, that the committee of the whole House be discharged from the consideration of said bill on this day, and that it be committed to a committee of the whole House, and be made the order of the day for Monday next.

The bill to repeal an act, passed in the year 1830, entitled, "an act to repeal part of the second section of an act, passed in the year 1806, chapter 708, entitled, an act to revise the Militia Laws of this State, was read the second time, and, on motion of Mr. Allen, ordered to be laid upon the table.

Mr. Seawell, from the committee on the judiciary, to whom was referred the resolution instructing them to inquire into the expediency of giving the right to widows of filing petitions for one year's support, and have the same

laid out in the same manner as if administration had been granted on the estate, made a report thereon, accompanied by a bill, entitled, "a bill authorising widows of persons dying intestate, to file their petitions for a year's support before letters of administration are granted; which was read the first time and passed.

The bill to repeal an act, passed in the year 1830, chapter 40, to prohibit the circulation in this State, after the 4th day of July, 1832, of bank notes under five dollars, issued by the banks of other States, was read the third time and passed, and ordered to be engrossed.

A motion was made by Mr. Mathews, to reconsider the vote taken on yesterday, on the rejection of the engrossed bill declaratory of the law now in force, giving to the courts of pleas and quarter sessions of the several counties within this State, the power to alter and fix separate places of election; and, on the question, will the Senate reconsider the said vote? it was determined in the affirmative; whereupon the said bill was read the third time and passed, and ordered to be enrolled.

The Senate then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, DECEMBER 5, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled, "a bill to repeal an act, passed in 1830, chapter 40, to prohibit the circulation in this State, after the fourth day of July, 1832, of bank notes under five dollars, issued by the banks of other States;" in which they ask the concurrence of that House.

Mr. Montgomery, of Hertford, from the committee on propositions and grievances, to whom was referred the bill to authorise David W. Borden, of Carteret county, to erect a gate across the road, leading from the cross-roads, on White Oak river, to Borden's ferry, reported the same without amendment; whereupon the said bill was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Montgomery, of Hertford, from the same committee, to whom was referred the petition of sundry citizens of Anson county, praying the passage of an act, to permit Ralph Freeman, a freeman of color of said county, to exercise the privileges and functions of a preacher of the Gospel, made an unfavorable report thereon, and asking to be discharged from the further consideration of the subject; in which report the Senate concurred, and the committee was discharged accordingly.

Mr. Hinton presented the following preamble and resolution, to wit:

"Whereas, many of the good people of the State, regard that provision in the 32d section of our State constitution which requires, as a test of eligibility to office, the belief of the truth of the Protestant religion, as too intolerant for the present enlightened state of society, as no longer necessary to guard against imaginary dangers, and as operating as a conscientious barrier to any participation in the offices of the State, of a respectable denomination of Christians residing among us, possessing ability and moral worth well calculated to adorn and benefit the State:

Be it therefore resolved, That the committee on the subject of a Convention be instructed, if they conclude to recommend any alterations in the constitution, to consider the expediency of expunging therefrom the aforesaid provision;"

Which was read and adopted.

Mr. Lilley presented the following resolution, to wit:

Resolved, That the Public Treasurer be instructed to refund to David Harriss, of Montgomery county, or his agent, eight dollars and eighty cents, he having paid the purchase money for one hundred acres of land, as appears by the Treasurer's receipt, but received a grant for twelve acres only, and that the Treasurer be allowed the same in the settlement of his public accounts;"

Which was read the first time and passed; and, on motion of Mr. Lilley, ordered to be referred to the committee on claims.

Mr. Hinton presented a bill, entitled, "a bill to secure a Homestead freehold to every citizen owning lands in this State;" which was read the first time and passed; and, on motion of Mr. Martin, ordered to be printed.

Mr. Lilley presented a bill, entitled, "a bill to authorise the administrator of Samuel Pemberton, deceased, late Sheriff of Montgomery county, to collect the arrearages of taxes, due for the years 1827 and 1828;" which was read the first time and passed; and, being read the second time, it was resolved, that the same shall not pass, Ayes 19. Noes 37. The ayes and noes being demanded by Mr. Martin, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allen, Askew, Boddie, Brittain, Bullock, Faison, Hawkins, Kerr, Leake, Lilley, Marshall, Mathews, Mositt, Montgomery, of H., Morris, Ray, Stedman, Tyson, Wellborn.

Those who voted in the negative are, Messrs. Allison, Bailey, Bell, Carter, Cowper, Dobson, Gavin, Hall, Harrison, Hinton, Hogan, Hoke, Houston, Howell, Lamb, Latham, Lindsey, McDowell, Martin, Massey, Melvin, Montgomery, of O., Moore, Moye, of Greene, Moye, of Pitt, Norman, Parham, Parker, Rhodes, Seawell, Simmons, Spencer, Toomer, Vanhook, Wilder, Williams, Wilson.

Received from the House of Commons a message, stating that they have passed the engrossed bill, entitled, "a bill to amend an act, passed in the year 1821, entitled, an act to incorporate a company, entitled the Roanoke Inlet Company, and for other purposes, and an act amendatory of the same, passed in the year 1828;" in which they ask the concurrence of the Senate; whereupon the said bill was read the first and second times and passed; and being read the third time, Mr. Montgomery, of Hertford, moved to amend the bill, by inserting after the words "Elizabeth City," in the fifth line of the first section, the words "and Lewis M. Cowper, of Murfreesboro';" which amendment was agreed to; and the bill, as amended, was read the third time and passed, and a message sent to the House of Commons asking their concurrence in the amendment.

The bill, authorising widows of persons dying intestate, to file their petition for a year's support before letters of administration are granted, was read the second time. Mr. Hinton moved to amend the bill, by adding the following as an additional section, to wit:

"Be it further enacted, That it shall be lawful for the said justice and freeholders to allot and set over to any such widow, any article or articles of the personal property, negroes excepted, of such intestate, and also any debt or debts known to be due to such intestate; and such allotment shall vest in such widow the right to collect, by warrant or otherwise, by action of debt in her own name, the debt or debts so allotted to her;"

Which amendment was agreed to; and the bill as amended was read the second time and passed.

The engrossed bill, to vest the right of electing the clerks of the county and superior courts, in the several counties within this State, in the free white men thereof, was read the second time. Mr. Kerr moved to amend the bill, by striking out the word "four" in the eighth line of the third section and inserting the word "five," which amendment was not agreed to. On motion of Mr. Seawell, ordered, that the further consideration of the said bill be postponed until Friday next, and that it be committed to a committee of the whole House, and be made the order of the day for that day.

Mr. Mathews, from the committee appointed to wait on the Governor elect, to inform him of his election, and to ascertain from him, at what time it would be convenient for him to attend and take the oaths of qualifi-

fication, reported that the committee was authorised to state, that he would attend the two Houses for that purpose on to-morrow, at 12 o'clock.

The bill to repeal an act, passed in the year 1830, entitled, an act to repeal part of the second section of an act, passed in the year 1806, chapter 708, entitled, an act to revise the Militia Laws of this State, was read the second time. Mr. Allen moved to amend the bill, by adding at the end thereof the following words, to wit: "So far as respects the society called Quakers." Mr. Bell moved that the bill, together with the amendment, be postponed indefinitely. Mr. Wilson moved that the bill and amendment be laid upon the table; which motion having precedence, the question thereon was first put, and determined in the negative. The question then recurring, on the motion of Mr. Bell to postpone the bill and amendment indefinitely, it was also determined in the negative. Ayes 28. Noes 33. The ayes and noes being demanded by Mr. Bell, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Askew, Bell, Boddie, Carter, Collins, Cowper, Gavin, Hall, Hawkins, Hussey, Kerr, Lamb, Latham, Lilley, Lindsay, Mathews, Montgomery, of O., Moore, Moye, of G., Parham, Ray, Rhodes, Simmons, Stedman, Vanhook, Wilder, Williams, Wilson.

Those who voted in the negative are. Messrs. Allen, Allison, Bailey, Brittain, Bullock, Carson, Dobson, Faison, Harrison, Hinton, Hogan, Hoke, Houston, Howell, Leak, McDowell, Marshall, Martin, Massey, Melvin, Moffitt, Montgomery, of H., Morris, Moye, of P., Norman, Parker, Seawell, Skinner, Spaight, Spencer, Toomer, Tyson, Wellborn.

Whereupon, on motion of Mr. Wellborn, ordered, that the said bill be referred to a select committee; which committee consists of Messrs. Wellborn, Leak, Bailey, Carson and Bell.

Mr. Brittain presented a bill, entitled, "a bill to alter and amend an act, passed in the year 1829, entitled, an act for the improvement of the road from the Old Fort in Burke to Ashville in Buncombe;" which was read the first time and passed:

And the Senate then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, DECEMBER 6, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled, "a bill to authorise David W. Borden, of Carteret county, to erect a gate across the road, leading from the cross-roads, on White Oak river, to Borden's ferry;" in which they ask the concurrence of that House.

On motion of Mr. Hogan,

Resolved, That to prevent frauds and corruption in elections, that the committee on the judiciary be instructed to inquire into the expediency of so altering, amending or explaining the laws touching and concerning the holding of elections, as to define clearly the powers of Sheriffs holding elections, and inspectors appointed to superintend elections; also to inquire when and under what circumstances a Sheriff has a right to give a casting vote, and to report by bill or otherwise.

Mr. Collins presented a bill, entitled, "a bill to establish the boundary line between the counties of Washington and Beaufort;" which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Morris presented a bill, entitled, "a bill more effectually to provide for the payment of jurors in the county of Anson;" which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Latham presented a bill, entitled, "a bill for the better regulation of Jameston, in Martin county;" which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Hinton presented a bill, entitled, "a bill to attach the Longacre Company

of Militia, in the county of Beaufort, to the Bath battalion in said county;" which was read the first, second and third times and passed, and ordered to be engrossed.

The Senate then entered upon the orders of the day, and proceeded to take up and consider the bill to alter and amend an act, passed in the year 1829, entitled, an act for the improvement of the road, from the Old Fort in Burke to Ashville in Buncombe; and the bill being read the second time, Mr. Bell moved to amend it, by adding the following words at the end of the first section, to wit: "and in future paying interest thereon;" which amendment was not agreed to. The question then recurring on the passage of the bill the second time, it was determined in the affirmative.

The hour designated by the Governor elect for his qualification having arrived, and the Senate being informed that the House of Commons is in readiness to receive them on the occasion, the two Houses of the Legislature convened in the Commons' Hall, where the oaths of office, prescribed by law to be taken by the Governor before entering on the duties of his appointment, were administered in the presence of both branches of the Legislature, to David L. Swain, by the Honorable Joseph J. Daniel, one of the judges of the superior courts of law and equity for this State; after which, the Senate returned to their chamber for the purpose of resuming their legislative duties.

Received from the House of Commons a communication from His Excellency the Governor, transmitting the annual report of the board of internal improvement for the last year, and accompanied by a proposition from that House, that the report and accompanying documents be printed; which proposition was agreed to, and, on motion of Mr. Hinton, ordered that said report, with the accompanying documents, be referred to the committee on internal improvements.

Received also from the House of Commons a message, stating their concurrence in the proposition of the Senate to print the report of the adjutant-general, and that the same be referred to the joint select committee on military affairs.

A message was also received from the House of Commons, proposing that a joint select committee be raised, whose duty it shall be to inquire into the number and condition of the Cherokee Indians, who are now living in this State; the nature of their laws, and the expediency of extending the laws of this State as far as our chartered limits extend, with liberty to report by bill or otherwise; which proposition was agreed to, and Messrs. Bailey, Brittain, Dobson, Parham and Ray were appointed to compose the committee on the part of the Senate; and the House of Commons was informed thereof by message.

The bill to secure a Homestead freehold to every citizen owning lands in this State, being read the second time, on motion of Mr. Hinton, ordered, that the further consideration thereof be postponed until Tuesday next.

The bill, authorising widows of persons dying intestate, to file their petition for a year's support, before letters of administration are granted, was read the third time and passed, and ordered to be engrossed.

Received from the House of Commons the resignation of Duncan Cameron, a justice of the peace for the county of Orange, endorsed in that House, "read and accepted," and which was read and accepted by the Senate.

The bill to authorise the justices of the peace for the county courts of Camden, Buncombe, Gates, Perquimons and others, on petition, to appoint commissioners to set off widows' dowers, to lay out, alter, straighten roads, &c. was

read the third time. Mr. Carter moved to amend the bill, by striking out the word "Rowan;" which amendment was agreed to. Mr. Hinton moved further to amend the bill, by inserting the following words after the word "road" in the third line of the third section, to wit: "or for laying out ditches to drain marsh, swamp or low lands through the lands of other persons;" which amendment was not agreed to. Mr. Rhodes moved to amend the bill, by making its provisions extend to the county of Wayne; which amendment was agreed to. Mr. Seawell moved further to amend the bill, by inserting after the word "dower" in the sixth line of the first section, the following words, to wit: "due notice being given as heretofore required by law;" which amendment was agreed to. The question then recurring on the passage of the bill the third time, as amended, it was decided in the negative.

The Speaker laid before the Senate a communication received from the adjutant-general, communicating certain information on the subject of suits instituted in behalf of the State against delinquent Militia officers; which was read, and, on motion of Mr. Montgomery, of Orange, ordered, that it be sent to the House of Commons, with a proposition that it be referred to the committee on military affairs:

And the Senate then adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DECEMBER 7, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: "A bill more effectually to provide for the payment of jurors in the county of Anson;" "a bill to establish the boundary line between the counties of Washington and Beaufort;" "a bill for the better regulation of Jameston in Martin county;" "a bill to attach the Long Acre Company of Militia, in the county of Beaufort, to the Bath battalion in said county;" and "a bill authorising widows of persons dying intestate, to file their petitions for a year's support, before letters of administration are granted;" in which they ask the concurrence of that House.

Mr. Parham presented the resignation of John L. Smith, Colonel-commandant of the Haywood county regiment of Militia; which was read and accepted and sent to the House of Commons.

Mr. Hawkins, from the joint select committee on military affairs, to whom was referred the resolution instructing them to inquire into the expediency of so amending the militia laws, as to provide some general mode whereby volunteer companies of militia may be incorporated, made an unfavorable report thereon, expressing the opinion, that it is inexpedient to legislate upon the subject; in which report the Senate concurred.

On motion of Mr. Simmons,

"Resolved, That the committee on the judiciary, be instructed to inquire into the expediency of providing by law, some limited time within which purchasers of property, sold under execution shall obtain title, and report by bill or otherwise.

Mr. Parker presented a bill, entitled, "a bill to regulate the collection of State Witness Tickets, so far as respects the county of Guilford;" which was read the first, second and third times and passed, and ordered to be engrossed.

A motion was made by Mr. Hinton to reconsider the vote taken on yesterday, on the third reading of the bill to establish the boundary line between the counties of Washington and Beaufort; and on question, will the Senate reconsider the said vote? it was determined in the affirmative; whereupon Mr. Hinton moved to amend the bill, by striking out all that portion of it which

requires commissioners to be appointed on the part of Beaufort county; which amendment was not agreed to; and the bill was thereupon read the third time and passed.

Received from the House of Commons a message, stating that they have passed the engrossed resolution in favor of Daniel Graham, of Cumberland county; in which they ask the concurrence of the Senate; whereupon the said resolution was read the first, second and third times and passed, and ordered to be enrolled.

The bill to alter and amend an act, passed in the year 1829, entitled, an act for the improvement of the road from the Old Fort in Burke to Ashville in Buncombe," was read the third time and passed and ordered to be engrossed.

On motion of Mr. Carter, the Senate proceeded to consider the bill, to prevent the felling of timber in, or otherwise obstructing the run of Bear creek and its branches, in the counties of Lenoir and Wayne; and the bill being read the third time, Mr. Rhodes moved to amend the bill, by inserting after the word "fined" in the seventeenth line of the first section, and the following words, "at the discretion of the court not exceeding;" which amendment was agreed to. Mr. Rhodes moved further to amend the bill, by striking out the last section; which amendment was also agreed to; and the bill as amended was read the third time and passed and ordered to be engrossed.

Received from the House of Commons a message, stating their concurrence in the amendment proposed by the Senate to the engrossed bill, entitled, "a bill to amend an act, passed in the year 1821, entitled, "an act to incorporate a company, entitled, the Roanoke Inlet Company and for other purposes; and an act amendatory of the same, passed in the year 1828" Ordered, that the said bill be enrolled.

Mr. Martin moved that the committee of the whole House, to which was referred the resolutions disapproving the doctrine of Nullification, and the policy of a Southern Convention, and the resolutions on the subject of Nullification and the Tariff, and which were made the order of the day for this day, be discharged from the further consideration of the said resolutions; Mr. Wilson moved that the further consideration of the order of the day upon the said resolutions, be postponed until Friday next; Mr. Allen moved, that the further consideration of the order of the day, upon the said resolutions, be postponed until the 15th day of January next; which motion having precedence, Mr. Wilson moved that the said motion be laid upon the table; which was agreed to. Ayes 34. Noes 27. The ayes and noes being demanded by Mr. Allen, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allison, Askew, Boddie, Brittain, Bullock, Carter, Collins, Cowper, Gavin, Hall, Harrison, Hawkins, Hinton, Hogan, Hoke, Howell, Hussey, Kerr, Leak, Lilley, Marshall, Massey, Mathews, Melvin, Moffitt, Moore, Morris, Moye, of G., Norman, Ray, Spaight, Vanhook, Williams, Wilson.

Those who voted in the negative are, Messrs. Allen, Bailey, Bell, Carson, Dishenagh, Dobson, Faison, Houston, Lamb, Latham, Lindsey, McDowell, Martin, Montgomery, of H., Montgomery, of O., Moye, of F., Parham, Parker, Rhodes, Seawell, Simmons, Spencer, Stedman, Toomer, Tyson, Wellborn, Wilder.

The question then recurring on the motion of Mr. Wilson, to postpone the further consideration of the order of the day, on the said resolutions, until Friday next, it was determined in the affirmative.

The Senate then resolved itself into a committee of the whole House, Mr. Hogan in the chair, to take into consideration the bill to vest the right of electing the clerks of the county and superior courts, in the several counties within this State, in the free white men thereof; and after some time spent,

therein, the Speaker resumed the Chair, and Mr. Hogan reported that the committee of the whole had, according to order, had the said bill under consideration, and had instructed him to report the same to the Senate without amendment, and recommended its passage into a law; whereupon the bill was read the second time and passed. Ayes 44. Noes 16. The ayes and noes being demanded by Mr. Vanhook, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allen, Allison, Boddie, Brittain, Bullock, Carter, Cowper, Dishongh, Dobson, Gavin, Hall, Harrison, Hawkins, Hinton, Hogan, Hoke, Houston, Howell, Hussey, Lamb, Latham, Leake, Lindsay, Marshall, Martin, Massey, Melvin, Moffitt, Montgomery, of O., Moore, Morris, Norman, Parham, Parker, Ray, Rhodes, Simmons, Spencer, Stedman, Tyson, Vanhook, Wellborn, Wilder, Wilson.

Those who voted in the negative are, Messrs. Askew, Bailey, Bell, Carson, Collins, Faison, Kerr, Lilley, McDowell, Mathews, Montgomery, of H., Moye, of G., Moye, of P., Spaight, Toomer, Wilson.

Whereupon, on motion of Mr. Montgomery, of Orange, the bill was read the third time and passed, and ordered to be enrolled. Ayes 43. Noes 17. The ayes and noes being demanded by Mr. Dishongh, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allen, Allison, Boddie, Brittain, Bullock, Carter, Cowper, Dishongh, Dobson, Gavin, Hall, Harrison, Hawkins, Hinton, Hogan, Hoke, Houston, Howell, Hussey, Lamb, Latham, Leake, Lindsay, Martin, Massey, Melvin, Moffitt, Montgomery, of O., Moore, Morris, Norman, Parham, Parker, Ray, Rhodes, Simmons, Spencer, Stedman, Tyson, Vanhook, Wellborn, Wilder, Williams.

Those who voted in the negative are, Messrs. Askew, Bailey, Bell, Carson, Collins, Faison, Kerr, Lilley, McDowell, Marshall, Mathews, Montgomery, of H., Moye, of G., Moye, of P., Spaight, Toomer, Wilson.

Received from the House of Commons a message, proposing to ballot immediately for a Major-General of the 2d Division, and stating that John I. Pasteur is in nomination; which, on motion of Mr. Stedman, was ordered to be laid on the table.

A motion was made by Mr. Carson, to reconsider the vote taken yesterday, on the third reading of the bill, to authorise the justices of the peace for the county courts of Camden, Buncombe, Gates, Perquimons, Wake and others, to appoint commissioners to set off widows' dowers, to lay out, alter, straighten roads, &c., and by which the said bill was rejected; and on the question, will the Senate reconsider the said vote? it was determined in the affirmative; whereupon, on motion of Mr. Bell, ordered, that the said bill be laid upon the table:

And the Senate then adjourned until to-morrow morning, 10 o'clock.

SATURDAY, DECEMBER 8, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: "A bill to prevent the felling of timber in, or otherwise obstructing the run of Bear creek and its branches, in the counties of Lenoir and Wayne;" a bill to regulate the collection of State Witness Tickets, so far as respects the county of Guilford;" and "a bill to alter and amend an act, passed in the year 1829, entitled, an act for the improvement of the road, from the Old Fort in Burke to Ashville in Buncombe;" in which they ask the concurrence of that House.

Mr. Martin, from the committee on claims, to whom was referred the petition of Thomas Hamilton, praying remuneration for expenses incurred and services performed during the revolutionary war, made an unfavorable report thereon, recommending that the prayer of the petitioner be rejected; in which report the Senate concurred.

On motion of Mr Boddie, ordered, that a message be sent to the House of Commons, proposing to raise a joint select committee, to be styled "the committee on Public Buildings." Messrs. Boddie, Tyson, Norman, Hall and Wellborn were appointed to form said committee on the part of the Senate.

Mr. Lilley presented a bill, entitled, "a bill to prevent the felling of timber in, or otherwise obstructing the channel of Little River, from Bumper's Fork to the county line in Montgomery county;" which was read the first, second and third times and passed, and ordered to be engrossed.

A message was received from the House of Commons, stating that Messrs. Whitaker, Davidson, Edmonson, McLeod and S. T. Sawyer, are appointed to form the joint select committee on the part of that House, on Cherokee Indian affairs.

Received also from the House of Commons a message, stating that the proposition of that House on yesterday, to ballot for Major-general of the "Second Division," should have been for Major-general of the "Eighth Division."

Received also from the House of Commons a message, proposing that the two Houses meet on Wednesday evening next, for the purpose of recommending field officers and justices of the peace; which proposition was agreed to; and the House of Commons was informed thereof by message.

Mr. Wellborn, from the select committee to whom was referred the bill to repeal an act, passed in 1830, entitled, an act to repeal part of the second section of an act, passed in 1806, chapter 708, entitled, an act to revise the militia laws of this State, reported the same with an amendment as follows, to wit: "So far as regards persons having scruples of conscience against bearing arms, who shall produce certificates, signed by the clerks of the respective churches, that they are regular members thereof; and that such people as produce these certificates shall be subject to taxation in time of insurrection, invasion or war; they shall also be subject to furnish their quota of men or pay an equivalent;" which amendment was agreed to; and the bill as amended was read the second time and passed. Ayes 32. Noes 28. The ayes and noes being demanded by Mr. Montgomery, of Orange, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allen, Allison, Askew, Bell, Brittain, Bullock, Carson, Collins, Dobson, Faison, Hinton, Hogan, Houston, Howell, Leak, McDowell, Marshall, Martin, Massey, Mathews, Melvin, Moffitt, Montgomery, of H., Morris, Moye, of P., Parker, Seawell, Spaight, Spencer, Toomer, Tyson, Wellborn.

Those who voted in the negative are, Messrs. Boddie, Carter, Cowper, Dishongh, Gavin, Hall, Harrison, Hawkins, Hoke, Hussey, Kerr, Lamb, Latham, Lilley, Lindsay, Montgomery, of O., Moore, Moye, of G., Norman, Parham, Ray, Rhodes, Simmons, Stedman, Vanhook, Wilder, Williams, Wilson.

Received from the House of Commons a message, stating that they have passed the engrossed resolutions in favor of William C Butler and others, with an amendment, to wit: After the word "Bond" in the seventh line of the first resolution, insert "Leslie Gilliam;" and in the same resolution after "Bertie" insert "Granville;" in which they ask the concurrence of the Senate; whereupon the proposed amendments were read and concurred in by the Senate, and the House of Commons was informed thereof by message.

Mr. Seawell, from the committee on the judiciary, to whom was referred the resolution instructing them to inquire if any, and what provision by law, is necessary to enable parties to suits, where grants for land issued by the State of North Carolina, shall be investigated, to show that such grants have been obtained fraudulently, &c., made a report thereon, accompanied by a bill, entitled, "a bill more effectually to prevent litigation and to avoid suits at law;" which was read the first time and passed, and, on motion of Mr. Seawell, ordered to be printed.

Mr. Seawell, from the same committee, also reported a bill, entitled, "a bill to provide for the registration of copies of grants for land; which was read the first time and passed, and, on motion of Mr. Seawell, ordered to be printed.

Mr. Seawell presented a bill, entitled, "a bill to amend the second section of an act, passed at the last session of the General Assembly, entitled, "an act for the better regulation of the conduct of negroes, slaves and free persons of color;" which was read the first time and passed.

Mr. Stedman presented a bill, entitled, "a bill to appoint commissioners for the town of Haywood, in the county of Chatham, and for the better regulation of the same;" which was read the first, second and third times and passed, and ordered to be engrossed.

On motion of Mr. Bell,

Resolved, That the committee on the judiciary, be instructed to inquire into the expediency of amending or repealing an act, passed in the year 1828, entitled, an act to amend the law with respect to the collection of debts from the estates of deceased persons, and the law in relation to the levying of executions issued by justices of the peace, and that they report by bill or otherwise.

Mr. Leak, from the committee on internal improvement, to whom was referred the petition of Theodorick F. Birchett and others, praying to be incorporated into a Turnpike Company, for the purpose of keeping in repair a portion of the road leading from Rutherfordton by the Hickory Nut Gap to Ashville, made an unfavorable report thereon, and ask to be discharged from the further consideration of the subject; in which report the Senate concurred, and the committee was discharged accordingly.

Mr. Dishongh moved, that the Senate do now proceed to consider the message from the House of Commons, proposing to ballot for a Major-general of the 8th Division; which motion was not agreed to.

The Speaker laid before the Senate a communication from the Hon. Joseph J. Daniel, President of the Electoral College of North Carolina, setting forth the reasons that induced that body to decline accepting the use of the Senate chamber for the transaction of its business, and which had been tendered by a resolution of the Senate; which communication was accompanied by the following resolutions, to wit:

Resolved, That the thanks of this Electoral College be returned to the Senate, for the polite manner in which that body tendered the use of their Hall to the Electors of the President and Vice-President.

Resolved further, That the President of the College be requested to communicate the foregoing resolution to the Senate, and to state the reasons which induced the College not to hold their meeting in the Senate Hall.

By order,

S. F. PATTERSON, Secretary.

J. J. DANIEL, President.

Ordered, that the said communication and resolutions be laid upon the table.

Mr. Seawell presented the petition of John Dunn Scott, a freeman of color, of the county of Wake, praying permission to emancipate his son, a slave. On motion of Mr. Seawell, ordered, that the said petition, with its accompanying documents, be referred to the committee on propositions and grievances:

And the Senate adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 10, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled, "a bill to appoint commissioners for the town of Haywood, in the county of Chatham, and for the better regulation of the same;" in which they ask the concurrence of that House.

Mr. Hussey presented the petition of Robert Sandlin, "praying the passage of an act, to change the name of Eliza Umphrey to that of Eliza Sandlin. Mr. Hussey also presented a bill to carry the prayer of the petitioner into effect, entitled, "a bill to alter the name of Eliza Umphrey and to legitimate her;" which was read the first time and passed, and, on motion of Mr. Hussey, ordered, that the said bill and petition be referred to the committee on propositions and grievances.

Mr. Spaight presented a bill, entitled, "a bill to alter and amend the judiciary system of the State of North Carolina;" which was read the first time and passed, and, on motion of Mr. Spaight, ordered, that it be committed to a committee of the whole House, and be made the order of the day for Thursday next; and that it be printed, one copy for each member of the Legislature.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: "a bill to incorporate the Haywood Boating Company;" "a bill to compel the Register of Buncombe county to keep his office in Ashville during the weeks of the county and superior courts;" and, "a bill to incorporate the Scotland Neck Guards;" in which they ask the concurrence of the Senate; whereupon the said bills were severally read the first time and passed.

Received also from the House of Commons a message, stating their concurrence in the proposition of the Senate to raise a joint select committee to be styled the committee on public buildings; and informing, that Messrs. L. Thompson, Graves, McMillan, Park and Rand are appointed to compose the said committee on the part of that House.

The engrossed bill to incorporate the Haywood Boating Company, was read the second time and passed.

The engrossed bill to compel the Register of Buncombe county, to keep his office in Ashville during the weeks of the county and superior courts, was read the second time. Mr. Allen moved to amend the bill, by striking out the following words from the last clause of the first section, to wit: "during the weeks of the county and superior courts held for said county," and to make the title of the bill correspond thereto; which amendment was agreed to, and the bill as amended was read the second and third times and passed, and a message sent to the House of Commons asking their concurrence in the amendments.

The engrossed bill to incorporate the Scotland Neck Guards, was read the second and third times and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: "a bill to incorporate the Anson Dragoons;" a bill concerning the upper regiment of Chatham county Militia;" "a bill to prevent disputes in consequence of a late survey of the line, dividing the counties of Anson and Mecklenburg;" and, "a bill to repeal an act, passed in the year 1828, entitled, an act repealing the several acts establishing and regulating the special courts of Burke county;" in which they ask the concurrence of the Senate; whereupon the said bills were severally read the first time and passed.

The engrossed bill concerning the upper regiment of Chatham county Militia, was read the second time and passed; and the engrossed bill to repeal an act, passed in the year 1828, entitled, an act repealing the several acts establishing and regulating the special courts of Burke county, was read the second time and passed.

The engrossed bill to prevent disputes, in consequence of a late survey of

the line, dividing the counties of Anson and Mecklenburg, was read the second and third times and passed, and ordered to be enrolled.

The bill to repeal an act, passed in the year 1830, entitled, an act to repeal part of the second section of an act, passed in the year 1806, chapter 708, entitled, an act to revise the militia laws of this State, was read the third time. Mr. Wilson moved to amend the bill, by adding the following as an additional section, to wit:

Be it further enacted, That it shall be the duty of every militia captain in this State, to enrol on his muster list, all Quakers, Moravians, Dunkards, Menonists and others conscientiously scrupulous of bearing arms, residing within his district, and between the ages of eighteen and forty-five; but that they shall not be compelled to muster or perform military duty, except in cases of insurrection or invasion, or pay any tax for said exemption;"

Which amendment was agreed to. The question then recurring on the passage of the bill the third time, as amended, it was determined in the affirmative. Ayes 34. Noes 27. The ayes and noes being demanded by Mr. Hawkins, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allen, Askew, Allison, Bell, Brittain, Bullock, Carson, Collins, Dobson, Faison, Harrison, Hinton, Hogan, Howell, Leak, McDowell, Marshall, Martin, Massey, Mathews, Melvin, Moffitt, Montgomery, of H., Morris, Moye, of P., Parker, Seawell, Skinner, Spaight, Spencer, Toomer, Tyson, Wellborn, Wilson.

Those who voted in the negative are, Messrs. Boddie, Carter, Cowper, Dishongh, Gavin, Hall, Hawkins, Hoke, Houston, Hussey, Kerr, Lamb, Latham, Lilley, Lindsay, Montgomery, of O., Moore, Moye, of G., Norman, Parham, Ray, Rhodes, Simmons, Stedman, Vanhook, Wilder, Williams.

Ordered, that the said bill be engrossed.

Received from the House of Commons the following resignations, to wit: The resignation of John Arrington, of the county of Nash; the resignation of David Newland, of the county of Burke; the resignation of Green Huckabee, of the county of Wake, and the resignation of Rezin Royal of the county of Sampson, justices of the peace for their respective counties, endorsed in that House, read and accepted," and which were read and accepted by the Senate.

On motion of Mr. Martin, the Senate resolved itself into a committee of the whole House, Mr. Wilson in the chair, to take into consideration the bill to establish the bank of North Carolina; and after some time spent therein, the Speaker resumed the Chair, and Mr. Wilson reported that the committee of the whole had, according to order, had the said bill under consideration, and had made sundry amendments thereto, and had instructed him to report the same to the Senate, and recommend its passage into a law; whereupon the said amendments were severally read and concurred in by the Senate; and the bill as amended being read the second time, Mr. Seawell moved further to amend it, by striking out the fourth section and inserting in lieu thereof the following, to wit:

"That the remaining two millions of stock shall be subscribed by the Public Treasurer in behalf of this State, and be paid for in manner hereafter provided; and whenever the capital aforesaid shall be subscribed for, or such part thereof as by the provisions of this act authorise the bank to go into operation, the said subscribers are hereby declared to become incorporated under the title aforesaid; and whenever the said bank shall become organized by the election of President and Directors as prescribed in this act, it shall be the duty of the Governor, and he is hereby authorised on the part of this State, to execute one thousand bonds of one thousand dollars each, in the name of the State, and under the great seal, payable and redeemable on the last day of December, one thousand eight hundred and fifty-seven, payable to the order of the President and Directors of the Bank."

Mr. Martin moved to amend the fourth section, by inserting after the word "shall" in the second line, the word "hereafter;" which motion having precedence, the question thereon was first put and the amendment agreed to. The

question then recurring, on the motion of Mr. Seawell, to strike out the whole of the fourth section and insert in lieu thereof the substitute proposed by him, Mr. Montgomery, of Orange, called for a division of the question. It was therefore first taken on the proposition to strike out, which was not agreed to; so the motion to amend was lost. Mr. Martin moved further to amend the bill, by striking out the word "tenth" in the second line of the fifteenth section and inserting the word "fourth;" which amendment was agreed to. Mr. Faison moved further to amend the bill, by adding the following to the second section, to wit:

"At Halifax, under the superintendence of Andrew Joyner, Mark H. Pettway, Edmond B. Freeman, Wm. B. Lockhart and Joseph J. Daniel;"

Which amendment was agreed to. Mr. Bullock moved further to amend the second section of the bill, by inserting the following, to wit:

"At Edenton, under the superintendence of Josiah Collins, senior, Jos. B. Skinner, David W. Stone, Nath. Brewer and John H. Haughton."

Mr. Bell moved further to amend the second section of the bill, by inserting the following, to wit:

"At Elizabeth City, under the superintendence of Horatio N. Williams, Benjamin Sutton, John C. McMorine, Miles White and Isaiah Fearing."

Mr. Kerr moved further to amend the second section of the bill, by inserting the following, to wit:

"At Milton, under the superintendence of Stephen Dodson, Willie Jones, Sam. Watkins, George Williamson and Azariah Graves, of Caswell, C. H."

Mr. Wellborn moved further to amend the second section of the bill, by inserting the following, to wit:

"At Wilkesboro', under the superintendence of Wm. P. Waugh, Hamilton Brown, Jas. Martin, James Hackett and Anderson Mitchell."

Mr. Wilson moved further to amend the bill in the second section, by inserting the following, to wit:

"At Tarboro', under the superintendence of Joseph R. Llcyd, Peter Evans, Speneer D. Cotten, Theo. Parker and Willis Wilkins;"

Which several amendments were agreed to; and, on motion of Mr. Wilson, ordered, that the further consideration of the said bill be postponed until Wednesday next, and that it be printed.

Received from the House of Commons a message, proposing to ballot on to-morrow for a Major-general of the 8th Division, and stating that Richard H. Bonner is added to the nomination; which proposition was agreed to, and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, accompanied by a message from His Excellency the Governor, transmitting a communication received from His Excellency the Governor of the State of South Carolina, with sundry accompanying documents containing the proceedings of a Convention, lately held by the people of that State; and which was accompanied by a proposition from the House of Commons, that the said communication and accompanying documents be referred to a joint select committee; which proposition was agreed to, and Messrs. Toomer, Seawell, Bailey, Williams and Leak were appointed to compose said committee on the part of the Senate, and the House of Commons was informed thereof by message:

And the Senate then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 11, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: "A bill to prevent the felling of timber in, or otherwise obstructing the channel of Little River, from Bumper's Fork to the county line in Montgomery county;" and, "a bill to re-

peal an act, passed in the year 1830, entitled, an act to repeal part of the second section of an act, passed in the year 1806, chapter 708, entitled, an act to revise the militia laws in this State;" in which they ask the concurrence of that House.

A message was also sent to the House of Commons, stating that Messrs. Ray and Howell attend that House, to superintend the balloting on the part of the Senate, for Major-general of the 8th Division, heretofore agreed on to take place this day.

On motion of Mr. Askew, ordered, that a message be sent to the House of Commons, proposing that the two Houses proceed to ballot on Thursday next for counsellors of State; whereupon Mr. Askew nominated, as one of the counsellors, Robert C. Watson, of the county of Bertie; on motion of Mr. Allen, the name of John W. Carson, of the county of Burke; on motion of Mr. Wellborn, the name of Meshack Franklin, of the county of Surry; on motion of Mr. Lamb, the name of Owen Holmes, of the county of New Hanover; on motion of Mr. Hall, the name of Nathan B. Whitfield, of the county of Lenoir; on motion of Mr. Tyson, the name of Alfred Jones, of the county of Wake, and, on motion of Mr. Vanhook, the name of George W. Jeffries, of the county of Person, were severally added to the nomination.

Mr. Wilson, from the committee on Finance, whose duty it is made by law to examine the report of the Public Treasurer, the statement of the Comptroller, and in general into the state and condition of the finances of the State, and of the departments connected therewith, made a detailed report thereon, accompanied by the following resolution, to wit:

Resolved, That the Comptroller credit William S. Mhoon, public treasurer, with the sum of sixteen thousand five hundred and forty-seven dollars and two and three-fourths cents, that being the amount of Treasury notes burnt by the committee of finance, up to the 28th of November, 1832;"

Which was read the first, second and third times and passed, and ordered to be engrossed; and, on motion of Mr. Leak, ordered, that the said report be printed, one copy for each member of the Legislature.

Mr. Wilson presented the following preamble and resolution, to wit:

Whereas, the Bank of Newbern paid a tax to the State of one per centum per annum, for the years 1828, 29, 30 and 31, on all the shares held in that institution by the President and Directors of the Literary Fund: and whereas, a tax is only payable by the charter of said bank of Newbern, on such shares as are not owned by the State in said company, and the said bank now insists that the shares of stock held by the President and Directors of the Literary Fund, are in fact and truth owned by the State, refuses to pay the tax for 1832, and claims to have the sums improperly paid as aforesaid, for the years 1828, 29, 30 and 31 refunded to it; and whereas, a case has been made up to procure a decision of these questions, and is now pending in the supreme court of this State, and whereas, the President and Directors of the Literary Fund hold stocks in the bank of Cape Fear, precisely under the same circumstances, and the tax has been paid by the said bank of Cape Fear, for 1828, 29, 30, 31 and 32; and the said bank contends, that the said tax has been improperly claimed for the State by the Public Treasurer, but was unwilling to assume the attitude of defence and litigate the questions, and is willing to let its claims abide the decision of the questions, now pending in the supreme court against the Bank of Newbern; and whereas, these matters appear in the report of the Public Treasurer, made to the General Assembly at the present session, and are thereby submitted to the consideration of the Legislature.

Be it therefore Resolved by the General Assembly of the State of North Carolina, That the Public Treasurer be authorised and required to settle their conflicting claims with the Bank of Cape Fear, upon the same principles and under the same rules that he may settle with the bank of Newbern, under the contemplated decision of the supreme court; and if, under said decision and in pursuance of this resolution, it should be necessary or proper to refund any sum or sums so paid as aforesaid by the bank of Cape Fear, that he be allowed the same in the settlement of his accounts as Public Treasurer;

Which was read the first, second and third times and passed, and ordered to be engrossed.

On motion of Mr. Montgomery, of Hertford,

Resolved, That a message be sent to the House of Commons, proposing to raise a joint select committee, to inquire what arrangement may be necessary, to provide for the accommodation of the Governor during the next year."

Mr. Boddie presented the following resolution, to wit:

Resolved, That the committee on Public Buildings be instructed to inquire into the expediency of employing some suitable person, to stop the leaks in the roof of the office of the Secretary of State, and report by resolution or otherwise;"

Which was read the first time and passed, and being read the second time, Mr. Montgomery, of Orange, moved to amend the resolution, by striking out the whole thereof after the word "to" in the second line, and insert the following, to wit: "Cause the roof of the Secretary's Office to be examined, and report whether it is more advisable to repair the same, or place on a new roof;" which amendment was agreed to, and the resolution was read the second and third times and passed, and ordered to be engrossed.

On motion of Mr. Wilson, ordered, that a message be sent to the House of Commons, proposing to ballot on to-morrow for Public Treasurer and Comptroller of the State for the ensuing year; whereupon Mr. Wilson nominated William S. Mhoon for Public Treasurer and James Grant for Comptroller.

Mr. Latham presented the petition of sundry citizens of the county of Martin, praying the passage of an act to incorporate a company to make a Turnpike-road in the county of Martin and Bertie. Mr. Latham also presented a bill to carry the prayer of the petitioners into effect, entitled, a bill to incorporate the Williamston and Windsor Turnpike Company;" which was read the first time and passed; and, on motion of Mr. Latham, ordered, together with the petition, to be referred to the committee on internal improvement.

Received from the House of Commons a message, stating that Messrs. Horton and Baker attend the Senate, to conduct the balloting on the part of that House for Major-general of the 8th Division.

The engrossed bill to incorporate the Anson Dragoons, was read the second and third times and passed and ordered to be enrolled; and the engrossed bill to repeal an act, passed in the year 1823, entitled, an act repealing the several acts establishing and regulating the special courts of Burke county, and the engrossed bill concerning the upper regiment of Chatham county Militia, were read the third time and passed, and ordered to be enrolled.

The bill to provide for the registration of copies of grants for land, was read the second and third times and passed, and ordered to be engrossed.

The engrossed bill to incorporate the Haywood Boating Company, was read the third time. Mr. Montgomery, of Orange, moved to amend the bill, by adding the following proviso at the end thereof, to wit:

Provided, That nothing in the above act shall be so construed, as to enable the above company to throw any impediments in the way of others, to the free and unrestricted navigation of the river as now enjoyed;"

Which amendment was agreed to. Mr. Stedman moved further to amend the bill, by adding the following as an additional section, to wit:

Be it further enacted, That this act shall be in force for the term of ten years, from and after the ratification thereof, and no longer;"

Which amendment was also agreed to, and the bill as amended, was read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendments.

The bill more effectually to prevent litigation and to avoid suits at law, was

read the third time. Mr. Wellborn moved to amend the bill, by striking out the second section. Mr. Brittain moved, that the further consideration of the said bill and amendment be postponed until Saturday next; which motion having precedence, the question thereon was first put and decided in the affirmative.

Mr. Howell, from the committee appointed to conduct the balloting for Major-general of the 8th Division, reported that John I. Pasteur, having received a majority of the whole number of votes was duly elected; in which report the Senate concurred.

The bill to amend the second section of an act, passed at the last session of the General Assembly, entitled, an act for the better regulation of the conduct of negroes, slaves and free persons of color, was read the second time. Mr. Allen moved to amend the bill by striking out all thereof after the word "same," in the third line, and inserting the following, to wit: "That the above recited act be, and the same is hereby repealed," which amendment was not agreed to. The question then recurring on the passage of the bill the second time, it was decided in the affirmative.

Mr. Rhodes presented the resignation of Thomas Hadley, a justice of the peace for the county of Wayne, and Mr. Moye, of Greene, presented the resignation of John H. Dixon, a justice of the peace for the county of Greene, and Mr. Hawkins presented the resignation of John P. Andrews, Lieutenant-colonel of the 23d Regiment of North Carolina Militia; which were severally read and accepted, and sent to the House of Commons;

And the Senate then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, DECEMBER 12, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bill and resolution, to wit: "A bill to provide for the registration of copies of grants for land;" "a resolution instructing the Public Treasurer to settle conflicting claims with the Cape Fear Bank;" and "a resolution in favor of the Public Treasurer;" in which they ask the concurrence of that House.

Mr. Spaight presented the petition of Willie Allison Walker and others, praying an increase of the allowance now made by law to witnesses in behalf of the State, who are compelled to attend courts out of the county in which they reside. On motion of Mr. Spaight, ordered, that the said petition be referred to the committee on the judiciary.

Mr. Allen presented the following preamble and resolution, to wit:

"Whereas, it appears upon record in the Secretary's office, that two grants have been issued for the same piece of land, the first in the year 1787 to Locke and Bell, and the second to Solomon Summers, in the year 1831:

Resolved therefore, That the Treasurer refund to Solomon Summers, the sum of three dollars and fifty cents, it being the amount paid in by him on warrant, No. 215;" Which was read the first, second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, agreeing to the proposition of the Senate, to ballot on Thursday next for counsellors of State for the ensuing year, and stating that the names of Josiah O. Watson and William B. Lockhart are added to the nomination.

A message was also received from the House of Commons, stating that they have postponed indefinitely the engrossed bill, to restore John Bates, of Macon county, to credit.

Received also from the House of Commons a message, stating that Messrs.

Bragg, Pearson, Potts, Eccles and S. T. Sawyer are appointed to form the joint select committee, to whom is referred the communication of His Excellency the Governor, and the accompanying documents from South Carolina.

Received also from the House of Commons a message, concurring in the proposition of the Senate, to raise a joint select committee to inquire what arrangements may be necessary to provide for the accommodation of the Governor for the next year; and stating that Messrs. Edmonson, Courts, Barringer, Gary and Waddell form the committee on the part of that House.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: "A bill to appoint an additional place of Public Sale in the county of Beaufort;" "a bill amending the Patrol Laws, so far as relates to the counties of Camden and Pasquotank;" "a bill to restore to credit Thomas Daves, of the county of Macon;" and "a bill to repeal an act, passed at the last session of the General Assembly, chapter 122, entitled, "an act to authorise the county court of Guilford to appoint overseers and hands, to clear out the channel of the Reedy Fork of Haw River, in Guilford county; in which they ask the concurrence of the Senate; whereupon, the two first mentioned bills were read the first time and passed; and the two last mentioned bills were read the first, second and third times and passed, and ordered to be enrolled.

Received from the House of Commons also, a message, agreeing to the proposition of the Senate, to ballot on to day for a Public Treasurer and Comptroller of the State for the ensuing year; and stating, that Messrs. Gee and Watson attend the Senate to conduct the balloting on the part of that House; whereupon Messrs. Skinner and Askew were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, proposing that the two Houses ballot on to-morrow for a Brigadier general of the 2d Brigade, 8th Division; which was read, and, on motion of Mr. Spaight, ordered to be laid upon the table; and, on motion of Mr. Spaight, ordered, that a message be sent to the House of Commons, proposing that the two Houses proceed immediately to ballot for that officer, and stating that Wyatt Moye, of Greene, is in nomination for the appointment.

Mr. Spencer presented a bill, entitled, "a bill to legitimate Arcadia Harris, and entitle her to inherit from both parents; which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Brittain presented a bill, entitled, "a bill to enable the county of Macon to complete the improvement of the Tennessee River Road;" which was read the first time and passed, and, on motion of Mr. Brittain, ordered to be referred to the committee on internal improvement.

Mr. Leak presented the petition of Mastin D. Crawford, clerk of the court of pleas and quarter sessions of the county of Richmond, praying to be released from the payment of a judgment obtained against him by the State, for failing to comply with the requisitions of the act of 1806. On motion of Mr. Leak, ordered, that the said petition be referred to the committee on propositions and grievances.

Mr. Leak, from the committee on internal improvement, to whom was referred the petition of sundry citizens of the county of Wilkes, praying an appropriation to assist in opening a road from Cornelius Howard's Mill in said county, up Elk Creek to the Ashe county line, made a favorable report thereon, accompanied by a bill, entitled, "a bill to repair, improve and lay off a road:

leading from Cornelius How rd's Mill, in Wilkes county, up Elk Creek to the Ashe county line, and from thence into the Great Western Road, crossing at the Deep Gap of the Blue Ridge;" which was read the first time and passed.

Mr. Lamb presented the petition of sundry citizens of the county of New Hanover, praying the erection of a new county out of parts of the counties of New Hanover, Sampson and Duplin. On motion of Mr. Lamb, ordered, that the said petition be referred to the committee on propositions and grievances.

Received from the House of Commons a message, agreeing to the proposition of the Senate, to ballot immediately for a Brigadier-general of the 2d Brigade and 8th Division, and stating that Messrs. Spruill and Faddis attend the Senate, to conduct the balloting on their part; whereupon, Messrs. Melvin and Hall were appointed to conduct the balloting on the part of the Senate; and the House of Commons was informed thereof by message.

Daniel N. Bateman, the senator from the county of Tyrrell, appeared, produced his credentials, was qualified and took his seat.

Mr. Askew, from the committee appointed to conduct the balloting for Public Treasurer and Comptroller, reported that William S. Moon having received a majority of the whole number of votes, is duly elected Public Treasurer, and that James Grant having also received a majority of the whole number of votes is duly elected Comptroller; in which report the Senate concurred.

Mr. Carter presented a bill, entitled, "a bill appointing commissioners to build a bridge across South Yadlin River, in Rowan county;" which was read the first and second times and passed.

Mr. Simmons presented a bill, entitled, "a bill to incorporate the town of Whiteville, in the county of Columbus," which was read the first, second and third times and passed and ordered to be engrossed.

The bill to authorise the justices of the peace for the county courts of the counties of Camden, Buncombe, Gates, Perquimons, Wake and others on petition, to appoint commissioners to set off widows' dowers, to lay out, alter and straighten roads, &c. was read the third time. Mr. Seawell moved to amend the bill, by striking out all thereof after the enumeration of the counties in the first section, and inserting in lieu thereof a substitute; which was read and agreed to. Mr. Carson moved further to amend the bill, by inserting the county of "Rutherford;" and Mr. Morris moved further to amend the bill, by inserting the county of "Anson;" which amendments were also agreed to; and the bill as amended was read the third time and passed and ordered to be engrossed.

The bill to amend the second section of an act, passed at the last session of the General Assembly, entitled, an act for the better regulation of the conduct of negroes, slaves and free persons of color, was read the third time and passed and ordered to be engrossed.

Received from the House of Commons a message, stating their concurrence in the amendment proposed by the Senate, to the engrossed bill, to compel the Register of Buncombe county to keep his office in Ashville, during the weeks of the county and superior courts;" whereupon the said bill was ordered to be enrolled.

Received also from the House of Commons, the certificate of allowance of the county court of Lincoln county, in favor of John Starrett, a pensioner of the State, endorsed in that House, "read and ordered to be countersigned by the Speaker of the House of Commons;" and which being read, on motion of Mr. Moore, ordered that it be laid upon the table.

Received also from the House of Commons, the resignation of J. R. Hunter, a justice of the peace for the county of Gates; the resignation of Isaac S. Gibson, a justice of the peace for the county of Stokes, and the resignation of Tilton Harriss, Major of the first regiment of Guilford county Militia, endorsed in that House, "read and accepted;" and which were read and accepted by the Senate.

Mr. Melvin, from the committee appointed to conduct the balloting for a Brigadier-general of the 2d Brigade and 8th Division, reported that Wyatt Moye having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred:

And the Senate then adjourned until this afternoon, 4 o'clock.

WEDNESDAY AFTERNOON, 4 O'CLOCK.

Messrs. Montgomery, of Hertford, Mathews, Faison, Melvin and Lamb were appointed on the part of the Senate to compose the joint select committee to enquire what arrangement may be necessary, to provide for the accommodation of the Governor during the next year; and the House of Commons was informed thereof by message.

And after the annunciation of sundry bills and resolutions for ratification, the Senate adjourned until to-morrow morning, 10 o'clock.

THURSDAY, DECEMBER 13, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills and resolution, to wit. "A bill to amend the second section of an act, passed at the last session of the General Assembly, entitled, an act for the better regulation of the conduct of negroes, slaves and free persons of color;" "a bill to authorise the justices of the peace for the county courts of Camden, Buncombe, Gates, Perquimons, Wake and others, on petition to appoint commissioners to set off widows' dowers, lay out, alter and straighten roads, &c.;" "a bill to legitimate Arcadia Harris, and entitle her to inherit from both parents;" "a bill to incorporate the town of Whiteville, in the county of Columbus;" and "a resolution in favor of Solomon Summers;" in which they ask the concurrence of that House.

Mr. Hinton presented a bill, entitled, "a bill further to improve the police of the town of Washington;" which was read the first, second and third times and passed and ordered to be engrossed.

Mr. Melvin presented a bill, entitled, "a bill to repeal in part an act of the General Assembly, passed in the year 1826, entitled, an act to repeal an act of the General Assembly, passed in the year 1820, entitled, an act directing the county court to pay fees to certain officers therein named in certain cases, so far as relates to the counties mentioned in this act;" which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Hogan presented a bill, entitled, "a bill to amend an act, entitled, an act for the division of Rowan county; passed in the year 1822;" which was read the first time and passed; and, on motion of Mr. Hogan, ordered, that the further consideration thereof be postponed until Monday next.

The engrossed bill to appoint an additional place of Public Sale in the county of Beaufort, was read the second time and passed.

Received from the House of Commons a message, agreeing to the proposed amendment of the Senate to the engrossed bill, entitled, "a bill to incorporate the Haywood Boating Company." Ordered, that the said bill be enrolled.

A message was also received from the House of Commons, stating that they have passed the following engrossed bill and resolution, to wit: "A bill vesting

in the courts of pleas and quarter sessions of the several counties within this State, the right of establishing additional places of Public Sale in their respective counties;" and "a resolution in favor of Zachariah Candler, of Buncombe county;" in which they ask the concurrence of the Senate; whereupon the said bill and resolution were read the first time and passed.

The Senate then entered upon the orders of the day, and proceeded to take up and consider the bill to establish the Bank of North Carolina; when Mr. Martin moved that the said bill be recommitted to a committee of the whole House; which motion was agreed to; whereupon, on motion of Mr. Martin, the Senate resolved itself into a committee of the whole House, Mr. Wilson in the Chair, to take into consideration the said bill; and after some time spent therein, the Speaker resumed the Chair, and Mr. Wilson reported, that the committee of the whole House had, according to order, had the said bill under consideration, and had made sundry amendments thereto, and had instructed him to report the bill as amended to the House, and recommend its passage into a law; whereupon the several amendments were read and concurred in by the Senate; and the bill as amended was read the second time and passed. Ayes 39. Noes 22. The ayes and noes being demanded by Mr. Montgomery, of Orange, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allen, Allison, Bell, Boddie, Brittain, Carter, Cowper, Dishongh, Dobson, Faison, Gavin, Hall, Harrison, Hinton, Hogan, Hoke, Houston, Hussey, Kerr, Lamb, Lilley, Lindsay, Martin, Massey, Moffitt, Montgomery, of O., Morris, Norman, Parham, Parker, Rhodes, Simmons, Skinner, Spencer, Stedman, Tyson, Vanhook, Wellborn, Wilder.

Those who voted in the negative are, Messrs. Askew, Bateman, Bullock, Carson, Collins, Howell, Latham, Leake, McDowell, Marshall, Mathews, Melvin, Montgomery, of H., Moore, Moye, of G., Moye, of P., Ray, Seawell, Spaight, Toomer, Williams, Wilson.

And the Senate then adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DECEMBER 14, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: "A bill to repeal in part an act of the General Assembly, passed in the year 1826, entitled, "an act to repeal an act of the General Assembly, passed in the year 1820, entitled, an act directing the county court to pay fees to certain officers therein named in certain cases, so far as relates to the counties mentioned in this act;" and "a bill further to improve the police of the town of Washington;" in which they ask the concurrence of that House.

Mr. Montgomery, of Hertford, from the committee on propositions and grievances, to whom was referred the bill to alter the name of Eliza Umphrey and to legitimate her, reported the same without amendment, and recommended that the said bill be passed into a law; whereupon the said bill was read the second and third times and passed, and ordered to be engrossed.

Mr. Hinton, from the committee to whom was referred so much of the Governor's message as relates to James N. Forsyth, made a report thereon, accompanied by the following resolution, to wit:

"Resolved, As the most safe and advisable place of deposite, the small fund, now belonging to the sisters of James N. Forsyth, be deposited in the Public Treasury, and there safely kept, until those entitled to the same by the resolution of the last session shall claim and ask for it; and it is hereby made the duty of the Public Treasurer, to call on the late Governor Stokes, for the certificates of bank stock belonging to said fund, mentioned in his late message to the General Assembly, and take a transfer of said stock to the State of North Carolina; and also receive of said Governor, all the money now in his hands belong-

ing to the said fund; as also any which may remain in the State Bank unpaid over, and safely keep the said fund until it shall be called for as aforesaid; and the Public Treasurer is hereby requested to ascertain the place of residence of those entitled to said fund, and inform them of the existence of the fund;"

Which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Hogan presented the following preamble and resolution, to wit:

"Whereas, much doubt and uncertainty exists, as to the ability of Jude Hall to hold the next sessions of the supreme court, one session of said court having been adjourned over in consequence of his indisposition; and as different propositions have been submitted to the Legislature to provide for the holding of said court, all of which have their objections; also a bill to abolish the supreme court:

Resolved, That the Speakers of both branches of the Legislature, be requested as soon as convenient, to correspond with Judge Hall, with a view to ascertain his ability to attend and hold the next session of the supreme court, and communicate to the Legislature such information as they may receive upon the subject;"

Which was read the first and second times and passed; and being read the third time, Mr. Allen moved that the said resolution be laid upon the table; which was not agreed to, and the said resolution was read the third time and passed and ordered to be engrossed.

Mr. Skinner presented a bill, entitled, a bill supplemental to an act, directing how persons injured by erection of public mills, shall in future proceed to recover damages; "passed in the year 1809;" which was read the first time and passed, and, on motion of Mr. Skinner, ordered to be referred to the committee on the judiciary.

The bill to establish the Bank of North Carolina was read the third time. Mr. Askew moved to amend the second section of the bill, by inserting the following, to wit. "At Windsor, under the superintendence of James L. Bryan, Joseph B. G. Roulhac, Lorenzo Webb and William Watson;" which amendment was agreed to. Mr. Williams moved further to amend the bill, by striking out the word "generally" in the eleventh line of the ninth section; which amendment was also agreed to. Mr. Boddie moved further to amend the bill, by striking out the word "three," in the third line of the first section, and inserting the word "two." A division of the question being called for by Mr. Hall, it was first taken on striking out, which was agreed to. Ayes 32. Noes 29. The ayes and noes being demanded by Mr. Allen, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allen, Allison, Askew, Bailey, Bateman, Boddie, Bullock, Carson, Collins, Dobson, Faison, Hawkins, Howell, Latham, Leak, McDowell, Marshall, Mathews, Montgomery, of H., Moore, Morris, Moye, of G., Moye, of P., Ray, Rhodes, Seawell, Spaight, Stedman, Toomer, Wilder, Williams, Wilson.

Those who voted in the negative are, Messrs. Bell, Brittain, Cowper, Dishongh, Gavin, Hall, Harrison, Hinton, Hogan, Hoke, Houston, Russey, Lamb, Lilley, Lindsey, Martin, Massey, Melvin, Moffitt, Montgomery, of O., Norman, Parham, Parker, Simmons, Skinner, Spencer, Tyson, Vanhook, Wellborn.

Whereupon Mr. Boddie withdrew the motion to insert the word "two," when Mr. Wilson moved to fill the blank with the words "one million eight hundred thousand," which amendment was agreed to; and, on motion of Mr. Williams, ordered, that the said bill be referred to a select committee. Ordered, that Messrs. Williams, Martin, Montgomery, of Orange, Wilson and Hinton form the said committee.

Received from the House of Commons a message, stating that they have postponed indefinitely the engrossed bill to repeal an act, passed in the year 1830, chapter 40, to prohibit the circulation in this State, after the 4th day of July, 1832, of bank notes under five dollars, issued by the banks of other States.

Received also from the House of Commons a message, stating that they have passed the following engrossed bill, to wit: "A bill providing compensation for jurors, in the county of Cabarrus; in which they ask the concurrence of the Senate; whereupon the said bill was read the first, second and third times and passed, and ordered to be enrolled.

Mr. Seawell moved to suspend the second rule of the Senate, for the purpose of enabling Mr. Bailey to present a memorial, it not being in order to present it after the period allowed for the presentation of papers of that description had elapsed; which motion was agreed to. Whereupon Mr. Bailey presented the memorial of a committee, in behalf of sundry citizens of the counties of Currituck, Pasquotank and Perquimons, praying the establishment of a bank, or a branch of a bank at Elizabeth City, in the county of Pasquotank. Ordered, that the said memorial be referred to the select committee, to which is referred the bill to establish the bank of North Carolina.

And the Senate then adjourned until to-morrow morning, 10 o'clock.

SATURDAY, DECEMBER 15, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bill and resolutions, to wit: A bill to alter the name of Eliza Umphrey and to legitimate her: a resolution concerning the fund belonging to the sisters of the late James N. Forsyth; and a resolution directing the Speakers of the two Houses to correspond with Judge Hall, as to his ability to attend the next session of the supreme court;" in which they ask the concurrence of that House.

Mr. Martin presented the memorial of sundry citizens of the county of Rockingham, praying the establishment of a bank, or the branch of a bank, at Leakville, in said county. Mr. Martin also presented the memorial of sundry citizens, of the county of Henry, in the State of Virginia, on the same subject. On motion of Mr. Martin, ordered, that the said memorials be referred to the select committee, to which is referred the bill to establish the bank of North Carolina.

Mr. Hogan presented the memorial of sundry citizens of the county of Davidson, praying the location of a large banking capital, at the town of Leakville, in the county of Rockingham. On motion of Mr. Hogan, ordered, that the said bill be referred to the committee, to which is referred the bill to establish the bank of North Carolina.

Mr. Wilson presented the resignation of Charles W. Knight, a justice of the peace for the county of Edgecombe, which was read and accepted, and sent to the House of Commons.

Mr. Montgomery, of Hertford, from the committee on propositions and grievances, to whom was referred the petition of Mastin D. Crawford, clerk of the county court of Richmond, praying to be released from the payment of a judgment, rendered against him in favor of the State, at the last fall term of Wake superior court, made a favorable report thereon, accompanied by the following resolution, to wit:

"Resolved, That Mastin D. Crawford, clerk of the court of pleas and quarter sessions, for the county of Richmond be, and he is hereby absolved from a judgment of one thousand dollars, rendered against him at the last fall term of Wake superior court, 1832, in favor of the State of North Carolina, by his, the said Mastin D. Crawford, praying the costs and charges of said suit;"

Which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Leak, from the committee on internal improvement, to whom was referred the bill to enable the county of Macon to complete the improvement of the Tennessee River Road, made an unfavorable report thereon, recommending that the said bill be rejected; in which report the Senate concurred; and, the bill being thereupon read the second time, it was resolved that the same shall not pass.

On motion of Mr. Toomer:

Resolved, That the committee on finance be instructed to inquire into the expediency of repealing that section of the Revenue act of 1822, which imposes a tax of two hundred dollars on exchange offices, &c., and that they have leave to report by bill or otherwise."

Mr. Morris presented a bill, entitled, "a bill appointing lay days on Rocky River, joining Anson and Montgomery counties;" which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Collins presented a bill, entitled, "a bill to regulate the court of pleas and quarter sessions, of the county of Washington;" which was read the first, second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that they have postponed indefinitely the following engrossed bills, to wit: A bill to divorce John Roberts and his wife Agness; "a bill to abolish the office of county trustee, in the counties of Buncombe, Nash, Hyde, Guilford, Rowan, Onslow, Columbus and Beaufort;" and, "a bill to repeal an act, passed in the year 1830, entitled, an act to repeal part of the second section of an act, passed in the year 1806, chapter 708, entitled, an act to revise the Militia Laws of this State."

Received also from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: "A bill amendatory of the act of 1831, entitled, "an act to authorise the Governor to grant certain lands to the trustees of Franklin Academy, in the county of Macon; and a bill to alter the time of electing and renewing the bonds of certain officers in the county of Mecklenburg; in which they ask the concurrence of the Senate; whereupon the said bills were read the first, second and third times and passed and ordered to be enrolled.

A message was also received from the House of Commons, proposing that the two Houses proceed to ballot immediately for Counsellors of State; and stating, that the name of William B. Lockhart is withdrawn from the nomination; which proposition was agreed to, and Messrs. Vanhook and Bullock were appointed to conduct the balloting on the part of the Senate, and a message was sent to the House of Commons informing them thereof, and stating that Messrs. Joseph B. Skinner and John Arrington are added to the nomination; whereupon a message was received from the House of Commons, stating that Messrs. Montgomery and Judkins attend the Senate to conduct the balloting on their part.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: "A bill to incorporate two Volunteer Companies, in the county of Pasquotank;" "a bill to authorise the altering and amending of the State road, running through the county of Haywood;" and "a bill amending the several acts of Assembly, incorporating the Roanoke and Cape Fear Navigation Companies, also prescribing the mode of enforcing the collection of Tolls;" in which they ask the concurrence of the Senate; whereupon the said bills were severally read the first time and passed.

Received also from the House of Commons a message, accompanied by a message from His Excellency the Governor, transmitting sundry resignations

of justices of the peace and militia officers, received at the Executive Department; also a Report from the President and Directors of the Clubfoot and Harlow's Creek Canal Company, and which was accompanied by a proposition from that House that the said report be printed; which proposition was agreed to, and the House of Commons was informed thereof by message.

The engrossed bill to incorporate two Volunteer Companies, in the county of Pasquotank, was read the second time and passed.

Mr. Dishongh moved that the Senate do now resolve itself into a committee of the whole House, for the purpose of considering the resolutions disapproving the doctrine of Nullification and the policy of a Southern Convention, and the resolutions on the subject of Nullification and the Tariff; which motion was not agreed to. Mr. Martin moved that the further consideration of the said resolutions be postponed to, and made the order of the day for, Wednesday next. Mr. Allen moved to postpone the consideration of the said resolutions until the 10th day of January next. Mr. Williams moved that the motion of Mr. Allen be laid upon the table; which was agreed to. The question then recurring upon the motion of Mr. Martin, it was determined in the affirmative.

The Senate then entered upon the orders of the day, and resolved itself into a committee of the whole House, Mr. Williams in the chair, to take into consideration the bill to alter and amend the judiciary system of the State of North Carolina; and after some time spent therein, the Speaker resumed the Chair, and Mr. Williams reported that the committee of the whole House had, according to order, had the said bill under consideration, and had made sundry amendments thereto, and had instructed him to report the same to the House, and recommend that it be passed into a law; whereupon the said bill being read the second time, Mr. Morris moved that the further consideration thereof be postponed indefinitely; Mr. Hunter moved that the bill be laid upon the table; which motion having precedence, the question thereon was first put and decided in the affirmative. Ayes 31. Noes 27. The ayes and noes being demanded by Mr. Morris, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allen, Askew, Brittain, Carson, Collins, Cowper, Dishongh, Gavin, Hall, Harrison, Hinton, Hoke, Houston, Hussey, Kerr, Lilley, Lindsay, Marshall, Massey, Mathews, Montgomery, of O., Moore, Moye, of P., Parham, Parker, Rhodes, Skinner, Spaight, Stedman, Williams, Wilson.

Those who voted in the negative are, Messrs. Allison, Bell, Boddie, Bullock, Dobson, Faison, Hawkins, Hogan, Howell, Lamb, Latham, Leak, McDowell, Martin, Melvin, Moffitt, Montgomery, of H., Morris, Ray, Seawell, Simmons, Spencer, Toomer, Tyson, Vanhook, Wellborn, Wilder.

On motion of Mr. Montgomery, of Orange, ordered, that Wyatt Moye, the senator from the county of Greene, have leave of absence from the services of the Senate for to-day.

Mr. Vanhook, from the committee appointed to conduct the balloting for Counsellors of State, reported that Owen Holmes, Meshack Franklin, Alfred Jones, Nathan B. Whitfield, Joseph B. Skinner and George W. Jeffreys having each received a majority of the whole number of votes are duly elected, and that no other person in nomination had received a majority of the votes; in which report the Senate concurred.

The engrossed resolution in favor of Zachariah Candler, of Buncombe county, was read the second time and passed.

And the Senate then adjourned until Monday morning, 10 o'clock.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills and resolution, to wit: "A bill to regulate the courts of pleas and quarter sessions, of the county of Washington," "a bill appointing lay days on Rocky River, adjoining Anson and Montgomery counties;" and "a resolution in favor of Mastin D. Crawford;" in which they ask the concurrence of that House.

On motion of Mr. Vanhook, ordered, that a message be sent to the House of Commons, proposing to ballot immediately for one Counsellor of State yet to be elected.

Mr. Moore presented the memorial of sundry citizens, of the county of Stokes, praying the location of a large Banking Capital at the town of Leaksville, in the county of Rockingham. Mr. Moore also presented the memorial of sundry citizens, of the county of Patrick, in the State of Virginia, on the same subject. On motion of Mr. Moore, ordered, that the said memorials be referred to the select committee to which is referred the bill to establish the bank of North Carolina.

Mr. Moye, of Pitt presented the resignation of Ruei Anderson, Lieutenant-colonel, and Louis G. Little, Major of the Militia of Pitt county; which were read and accepted and sent to the House of Commons.

Mr. Wilson presented the memorial of a Volunteer Company of Light Infantry in the town of Tarboro', praying the passage of an act to exempt the members of the said company from attending Militia drills, after having served for a period of five years in the said company. On motion of Mr. Wilson, ordered, that the said memorial be referred to the committee on Military Affairs.

Mr. Leak, from the committee on internal improvement, to whom was referred the bill to incorporate the Windsor and Williamston Turnpike-road, reported the same without amendment, and recommended its passage into a law; whereupon, on motion of Mr. Askew, ordered, that the said bill and report be recommitted to the committee on internal improvement.

Mr. Allen presented a bill, entitled, "a bill to give longer time for paying in entry money;" which was read the first time and passed.

On motion of Mr. Hawkins, ordered, that a message be sent to the House of Commons, proposing that the two Houses ballot on to-morrow for cavalry officers of the 17th Brigade, and stating that Joseph J. Maclin is in nomination for Colonel-commandant, and Joseph A. Drake for Lieutenant-colonel.

On motion of Mr. Wellborn, ordered, that a message be sent to the House of Commons, proposing that the two Houses ballot on to-morrow for cavalry officers of the 9th Brigade, and stating that Wm. P. Witherspoon is in nomination for Colonel-commandant.

Received from the House of Commons a message, agreeing to the proposition of the Senate to ballot immediately for a Counsellor of State, and stating that Messrs. Lancaster and Stephens attend the Senate, to conduct the balloting on the part of that House; whereupon Messrs. Bell and Rhodes were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, stating that they have passed the engrossed bill, entitled, "a bill making an appropriation and appointing commissioners for the rebuilding of the Capitol, in the city of Raleigh;" in which they ask the concurrence of the Senate; whereupon the said bill was read the first time and passed, and, on motion of Mr. Leak, ordered, that the said bill be made the order of the day for Thursday next.

On motion of Mr. Williams, ordered, that Mr. Collins be added to the committee on Education and the Literary Fund; and, on motion of Mr. Williams, ordered, that Robert Martin, the senator from the county of Rockingham, have leave of absence from the services of the Senate for this day.

The following engrossed bills, to wit: The bill vesting in the courts of pleas and quarter sessions of the several counties within this State, the right of establishing additional places of Public Sale in their respective counties; and the bill to authorise the altering and amending of the State-road, running through the county of Haywood, were read the second time and passed.

The bill to repair and improve the road, leading from Cornelius Howard's Mill, in Wilkes county, up Elk Creek, to the Ashe county line, and from thence into the main road, crossing the Blue Ridge at the Deep Gap, was read the second time and passed.

The engrossed bill amending the several acts of Assembly, incorporating the Roanoke and Cape Fear Navigation Companies, and prescribing the mode of enforcing the collection of Tolls, was read the second time. Mr Seawell moved to amend the bill, by adding the following at the end of the last section, to wit: "And in case any collector shall, in such seizure, transcend the powers vested in him by law, he or they shall be subject to indictment in like manner as persons making resistance;" which amendment was agreed to, and the bill as amended was read the second time and passed.

Mr. Bell, from the committee appointed to conduct the balloting for a Counsellor of State, yet to be elected, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

The bill vesting the right of electing clerks of the superior and county courts, in the several counties in this State, in the free white men thereof, was, on motion of Mr. Dobson, ordered to be laid upon the table.

Received from the House of Commons a message, proposing another ballot immediately for one Counsellor of State, yet to be elected, and stating that the name of Clement Marshall is added to the nomination; which proposition was agreed to, and Messrs. Lamb and Houston were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message; and stating that John Arrington is withdrawn from the nomination; whereupon a message was received from that House, stating that Messrs. Sherwood and Enloe attend the Senate, to conduct the balloting on their part.

The bill more effectually to prevent litigation and to avoid suits in law, was read the second time. Mr. Wellborn moved to amend the bill, by striking out the second section. Mr. Toomer moved to amend the said section, by inserting after the word "conveyance," in the eighth line, the following words, to wit: "bona fide obtained, the purchaser believing at the time of purchase, that the grantee had good title;" which motion having precedence, the question thereon was decided in the affirmative. The question then recurring, on the motion of Mr. Wellborn to strike out the whole section, it was decided in the negative. Ayes 29. Noes 29; the Speaker voting in the negative. The ayes and noes being demanded by Mr. Hoke, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allen, Allison, Bailey, Brittain, Bullock, Carter, Faison, Gavin, Hoke, Houston, Howell, Lindsay, Marshall, Melvin, Moffitt, Montgomery, of H., Montgomery, of O., Moore, Moye, of P., Parham, Parker, Rhodes, Simmons, Spaight, Toomer, Vanhook, Wellborn, Wilder, Wilson.

Those who voted in the negative are, Messrs. Askew, Bateman, Bell, Boddie, Carson, Cowper, Dishongh, Dobson, Hall, Harrison, Hawkins, Hinton, Hogan, Hassey, Kerr, Latham, Leake, Lilley, McDowell, Massey, Mathews, Morris, Norman, Seawell, Skinner, Spencer, Stedman, Tyson, Williams.

Mr. Dishongh moved that the further consideration of the said bill be postponed indefinitely; which was not agreed to. Ayes 18. Noes 40. The ayes and noes being demanded by Mr. Carson, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Askew, Bell, Brittain, Bullock, Cowper, Dishongh, Gavin, Lindsay, Melvin, Moffitt, Montgomery, of O., Moye, of P., Parker, Simmons, Toomer, Tyson, Williams, Wilson.

Those who voted in the negative are, Messrs. Allen, Allison, Bailey, Bateman, Boddie, Carson, Carter, Dobson, Faison, Hall, Harrison, Hawkins, Hinton, Hogan, Hoke, Houston, Howell, Hussey, Kerr, Latham, Leake, Lilley, McDowell, Marshall, Massey, Mathews, Montgomery, of H., Moore, Morris, Norman, Parham, Rhodes, Seawell, Skinner, Spaight, Spencer, Stedman, Vanhook, Wellborn, Wikder.

The question then recurring on the passage of the bill the second time, as amended, it was decided in the affirmative.

Mr. Houston, from the committee appointed to conduct the balloting for a Counsellor of State, reported that no person in nomination had received a majority of the votes; whereupon, on motion of Mr. Hawkins, ordered, that a message be sent to the House of Commons, proposing another balloting immediately; and, on motion of Mr. Allen, the name of John W. Carson was withdrawn from the nomination.

The engrossed resolution in favor of Zachariah Candler, of Buncombe county, was read the third time, and, on motion of Mr. Allen, ordered to be indefinitely postponed.

The bill appointing commissioners to build a bridge across South Yadkin River, in Rowan county, was read the third time. Mr. Carter moved to amend the bill, by striking out the word "three," in the first and fourth sections, and inserting in lieu thereof the word "four;" which amendment was agreed to; and the bill, as amended, was read the third time and passed, and ordered to be engrossed.

The engrossed bill to incorporate two Volunteer Companies, in the county of Pasquotank, was read the third time and passed, and ordered to be enrolled.

The engrossed bill amending the Patrole Laws, so far as relates to the counties of Camden and Pasquotank, was read the second time. Mr. Bullock moved to amend the bill, by extending its provisions to the county of Chowan; and Mr. Cowper moved further to amend it, by extending its provisions to the county of Gates; which amendments were agreed to; and the bill, as amended, was read the second and third times and passed, and a message sent to the House of Commons asking their concurrence in the amendments.

Mr. Lindsay presented a bill, entitled, "a bill to repeal an act, passed at the last session of the General Assembly, chapter 164, entitled, an act concerning those persons who are interested in the beach and marshy lands, lying in the county of Currituck;" which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Spencer presented a bill, entitled, "a bill appointing additional trustees of Rush Academy, in the county of Hyde;" which was read the first, second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, agreeing to ballot again immediately for a Counsellor of State, and informing that the name of Josiah O. Watson is withdrawn; and stating further, that Messrs. Loudermilk and Willey attend the Senate, to conduct the balloting on the part of that House; whereupon Messrs. Hawkins and Morris were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Received also from the House of Commons, a message from His Excellency the Governor, communicating the resignation of the Honorable John Hall, one of the judges of the supreme court of this State, endorsed in that House, "read and accepted," and which was read and accepted by the Senate.

Received also from the House of Commons the following resignations, to wit: The resignation of Joseph I. Williams, a justice of the peace for the county of Franklin, the resignation of Aaron Walker, a justice of the peace for the county of Orange, the resignation of Norman McDonald, major of the forty-first regiment of North Carolina militia, the resignation of Allen Bowden, lieutenant-colonel of the 29th regiment of militia, and the resignation of A. Parker, lieutenant-colonel of the 47th regiment of militia, endorsed in that House, "read and accepted;" and which were severally read and accepted by the Senate.

And the Senate then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 18, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: "A bill appointing commissioners to build a bridge across South Yadkin River, in Rowan county;" "a bill to appoint additional trustees of Rush Academy, in the county of Hyde;" and "a bill to repeal an act, passed at the last session of the General Assembly, chapter 164, entitled, "an act concerning those persons who are interested in the beach and marshy lands, lying in the county of Currituck;" in which they ask the concurrence of that House.

Mr. Hawkins, from the committee appointed to conduct the balloting for one counsellor of State, reported that Clement Marshall, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

Mr. Wilson, from the committee on finance, reported a bill, entitled; "a bill to amend an act, passed in the year one thousand eight hundred and thirty-one, entitled, an act to increase the liability of Sheriffs, and to provide more effectually for the collection of taxes;" which was read the first time and passed.

Mr. Leak, from the committee on internal improvement, to whom was referred the memorial of sundry citizens of the county of Beaufort, praying an appropriation for opening Pungo River, made an unfavorable report thereon, which was read, and, on motion of Mr. Hinton, ordered to be laid upon the table.

Mr. Leak, from the joint select committee on the subject of a Convention, to whom was referred a resolution relative to the seat of Government, made a report thereon, accompanied by a bill, entitled "a bill providing for the call of a Convention for fixing on a seat of Government for this State;" which was read the first time. Mr. Wilson moved that the further consideration of the said bill be postponed until Thursday next; which was not agreed to. Mr. Collins moved that the further consideration thereof be postponed indefinitely; which motion was agreed to. Ayes 33. Noes 27. The ayes and noes being demanded by Mr. Collins, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Askew, Bailey, Bell, Bateman, Boddie, Bullock, Collins, Cowper, Dishongh, Faison, Harrison, Hawkins, Hinton, Hussey, Latham, Lindsay, Marshall, Mathews, Montgomery, of H., Montgomery, of O., Moye, of G., Moye, of P., Norman, Rhodes, Seawell, Simmons, Skinner, Spaight, Spencer, Vanhook, Wilder, Wilson, Williams.

Those who voted in the negative are, Messrs. Allen, Allison, Brittain, Carson, Carter, Dobson, Gavin, Hogan, Hoke, Houston, Howell, Kerr, Lamb, Leake, Lilley, McDowell,

Melvin, Massey, Moffit, Moore, Morris, Parham, Parker, Stedman, Toomer, Tyson, Wellborn.

Received from the House of Commons a message, stating their concurrence in the proposition of the Senate, to ballot on to-day for cavalry officers of the 17th Brigade, and informing that Messrs. Weaver and Marsteller attend the Senate to conduct the balloting on their part; whereupon Messrs. Moye, of Pitt and Gavin were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Hawkins, from the joint select committee on military affairs, to whom was referred a communication from the adjutant-general, made a report thereon, accompanied by the following resolution, to wit:

"Resolved, That the Adjutant-general be directed not to commence any proceedings to enforce any forfeiture against those delinquents referred to in his report, made to the present Legislature;"

Which was read the first and second times and passed.

Mr. Hawkins, from the same committee to whom was referred several resolutions instructing them to inquire into the expediency of revising the Militia Laws, printing and distributing the same among the field, staff and company officers; also to inquire into the expediency of so altering the fourth and fifth Divisions, as to make from them an additional Division, made a detailed report thereon, accompanied by a bill, entitled, "a bill to amend the Militia Laws;" which was read the first time and passed, and, on motion of Mr. Montgomery, of Orange, ordered to be printed.

Mr. Montgomery, of Hertford, presented a bill, entitled, "a bill to repeal the third section of an act, passed in the year 1806, entitled, "an act to revise the Militia Laws of this State relative to the cavalry;" which was read the first time and passed, and, on motion of Mr. Montgomery, of Hertford, ordered to be laid upon the table.

Mr. Wellborn presented a bill, entitled, "a bill to alter the time for the Sheriff of Wilkes to make his settlements with said county;" which was read the first and second times and passed.

Mr. Mathews presented a bill, entitled, "a bill to amend an act, passed at the last session of the General Assembly, entitled, an act to authorise the building of a Toll-bridge over Roanoke River, at the town of Weldon, and incorporating a company for that purpose;" which was read the first time and passed, and, on motion of Mr. Mathews, ordered to be referred to the committee on internal improvement.

Mr. Simmons presented a bill, entitled, "a bill to divorce Rebecca Ann Smith, of Columbus county, from her husband, Richard Smith;" which was read the first time and passed, and, on motion of Mr. Simmons, ordered to be referred to the committee on propositions and grievances.

Mr. Moye, of Pitt, from the committee appointed to conduct the balloting for cavalry officers of the 17th Brigade, reported that Joseph J. Maclin, having received a majority of the whole number of votes, is duly elected Colonel-commandant; and that Joseph A. Drake, having also received a majority of the whole number of votes, is elected Lieutenant-colonel; in which report the Senate concurred.

The bill giving longer time for paying in entry money, was read the second and third times and passed and ordered to be engrossed.

Received from the House of Commons a message, agreeing to the proposition of the Senate, to ballot on this day for Colonel of Cavalry in the 9th Brigade, and informing that David E. Moore, of Wilkes, is added to the nomination; and stating that Messrs. Witcher and Welch attend the Senate, to con-

dict the balloting on the part of that House; whereupon Messrs. Dishongh and Hussey were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

The bill more effectually to prevent litigation and to avoid suits at law, was read the third time. Mr. Wellborn moved to amend the bill, by striking out the whole of the second section; which amendment was agreed to. Ayes 36. Noes 22. The ayes and noes being demanded by Mr. Seawell, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allison, Bailey, Bateman, Brittain, Bullock, Carter, Collins, Cowper, Faison, Harrison, Hoke, Houston, Howell, Kerr, Lamb, Massey, Melvin, Moffitt, Montgomery, of H., Montgomery, of O., Moore, Moye, of G., Moye, of P., Parham, Parker, Simmons, Spaight, Spencer, Stedman, Toomer, Tyson, Vanhook, Wellborn, Wilder, Williams, Wilson.

Those who voted in the negative are, Messrs. Allen, Askew, Bell, Boddie, Carson, Dobson, Gavin, Hawkins, Hinton, Hogan, Latham, Leake, Lilley, Lindsay, McDowell, Marshall, Mathews, Morris, Norman, Rhodes, Seawell, Skinner.

The question then recurring on the passage of the bill the third time, as amended, it was decided in the affirmative, and the bill was ordered to be engrossed.

Received from the House of Commons, a message from His Excellency the Governor, transmitting a communication prepared in obedience to a resolution of the House of Commons, calling for information with regard to the present condition of that portion of the Cherokee Tribe of Indians, residing within the limits of this State; and which was accompanied by a proposition from that House, that the said communication be printed; which proposition was agreed to, and the House of Commons was informed thereof by message.

A message was also received from the House of Commons, stating that they have postponed indefinitely the engrossed resolution, directing the Speakers of the two Houses to correspond with Judge Hall, as to his ability to attend the next session of the supreme court.

The bill to repair, improve and lay off a road from Cornelius Howard's Mill, in Wilkes county, up Elk Creek to the Ashe county line, and from thence into the main road, crossing the Blue Ridge at the Deep Gap, was read the third time and passed, and ordered to be engrossed.

The engrossed bill to authorise the altering and amending of the State-road, running through the county of Haywood; and the engrossed bill vesting in the courts of pleas and quarter sessions of the several counties within this State, the right of establishing additional places of Public Sale in their respective counties, were read the third time and passed, and ordered to be enrolled.

The engrossed bill amending the several acts of Assembly, incorporating the Roanoke and Cape Fear Navigation Companies, and prescribing the mode of enforcing the collection of Tolls, was read the third time. Mr. Melvin moved to amend the bill, by inserting after the words "New Hanover," in the fifteenth line of the second section, the word "Bladen;" which amendment was agreed to. The question then recurring on the passage of the bill the third time, as amended, it was decided in the affirmative, and a message sent to the House of Commons asking their concurrence in the amendments.

On motion of Mr. Allen, ordered, that Zachariah Candler have leave to withdraw from the files of the Senate, the papers accompanying a resolution in his favor, presented at the present session.

On motion of Mr. Williams, ordered, that Robert Martin, the senator from the county of Rockingham, have leave of absence from the services of the Senate for this day.

Mr. Hussey, from the committee appointed to conduct the balloting for a Colonel of Cavalry in the 9th Brigade, reported that William P. Wither-
spoon, having received a majority of the whole number of votes, is duly elected;
in which report the Senate concurred.

And the Senate then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, DECEMBER 19, 1832.

A message was sent to the House of Commons, stating that the Senate have
passed the following engrossed bills, to wit: "A bill more effectually to pre-
vent litigation and to avoid suits at law;" and "a bill to give longer time for
paying in entry money;" in which they ask the concurrence of that House.

A motion was made by Mr. Wellborn to reconsider the vote taken yester-
day, on the passage of the bill the third time, to repair, improve and lay off a
road from Cornelius Howard's Mill, in Wilkes county, up Elk Creek to the
Ashie county line, and from thence to the main road leading across the Blue
Ridge at the Deep Gap; and on the question, will the Senate reconsider the
said vote? it was determined in the affirmative.

Mr. Montgomery, of Hertford, from the committee on propositions and
grievances, to whom was referred the petition of John Dunn Scott, a free man
of color, of the county of Wake, praying the passage of an act to emancipate
his son Littlebury, a slave, made a favorable report thereon, accompanied by a
bill, entitled, "a bill to emancipate Littlebury, a slave, the property of John
D. Scott;" which was read the first time and passed.

Mr. Williams, from the select committee to whom was referred the bill to
establish the bank of North Carolina, reported the same with sundry amend-
ments, which were read and agreed to; and, on motion of Mr. Collins, ordered,
that the further consideration of the said bill be postponed until Friday next,
and that it be printed, one copy for each member of the Senate.

Mr. Wellborn presented the following resolution, to wit:

Resolved, That the Secretary of State be directed to issue a grant to Charity Webb, of
Wilkes county, for ninety one acres of land, the purchase money being paid on a former
entry of the same land, and the warrant mislaid, and another entry and survey being
made, all which will more fully appear, reference being had to the Secretary's certificate
and other testimony;

Which was read the first time and passed, and, on motion of Mr. Wellborn,
ordered to be referred to the committee on propositions and grievances.

Mr. Wellborn also presented the following resolution, to wit:

Resolved, That the Public Treasurer be directed to refund to Benjamin Kelly, of the
county of Wilkes, the overplus paid on an entry made by him for two hundred and fifty
acres of land, No. 1459, the plat by the surveyor being for only thirty-three acres, all which
will appear by reference being had to the Comptroller's and Secretary's certificates;

Which was read the first time and passed, and, on motion of Mr. Wellborn,
ordered to be referred to the committee on propositions and grievances.

Mr. Hinton presented the following resolution, to wit:

Resolved, That his Excellency the Governor be, and he is hereby authorised to loan to
a rifle corps, now formed or forming in the town of Washington, Beaufort county, of the
rifles and accoutrements belonging to the State, the number which may be needed to arm
said company, on the same terms that the arms of the State have heretofore been loaned
to volunteer companies;

Which was read the first time and passed, and, on motion of Mr. Hinton,
ordered to be referred to the committee on military affairs

Mr. Boddie presented the following resolution, to wit:

Resolved, That the Public Treasurer be authorised to refund to Samuel W. W. Vick,
sheriff of Nash county, the sum of three dollars and twenty cents, for insolvents for the
year 1830, and that he be allowed the same in the settlement of his public accounts;

Which was read the first time and passed, and, on motion of Mr. Boddie, ordered, with the accompanying documents, to be referred to the committee on claims.

Mr. Montgomery, of Hertford, presented a bill, entitled, "a bill to authorise the court of pleas and quarter sessions, of the county of Hertford, to lay a tax to defray the expences incident to calling out the militia during the insurrection in Southampton county, Virginia, and for other purposes;" which was read the first time and passed, and, being read the second time, Mr. Cowper moved to amend the bill, by extending its provisions to the county of Gates; which amendment was agreed to, and the bill, as amended, was read the second and third times and passed, and ordered to be engrossed.

Mr. Allen presented a bill, entitled, "a bill to divorce Polly Buckner from her husband Edward Buckner;" which was read the first time and passed.

On motion of Mr. Hawkins, ordered, that a message be sent to the House of Commons, proposing that Mr. Brittain be added to the joint select committee on military affairs

Received from the House of Commons a message, proposing to raise a joint select committee to provide for the distribution of the acts of Congress, at present in the executive office, and referred to by the Governor in his annual message; which proposition was agreed to, and Messrs Mathews, Collins and Moore were appointed to form the committee on the part of the Senate, and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, stating that they have passed the following engrossed resolutions, to wit: "A resolution in favor of John Dobbins, of Randolph county;" "a resolution in favor of the executor of Walter Davenport, of Lenoir county;" and "a resolution in favor of Abdell Daruell;" in which they ask the concurrence of the Senate; whereupon the said resolutions were severally read the first and second times and passed.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: "A bill concerning charities;" and a bill to prevent the felling of timber in, or otherwise obstructing either branch of the North-east branch of New River, in Onslow county;" in which they ask the concurrence of the Senate; whereupon the said bills were read the first time and passed.

A message was also received from the House of Commons, stating their concurrence in the amendment proposed by the Senate to the engrossed bill amending the Patrol Laws, so far as relates to the counties of Camden and Pasquotank; whereupon the said bill was ordered to be enrolled.

The Senate then entered upon the orders of the day; and, on motion of Mr. Allen, proceeded to take up and consider the bill to alter and amend the judiciary system of the State of North Carolina. The question pending, being on concurring in the amendments reported by the committee of the whole House to the said bill: Mr. Morris moved that the further consideration of the said bill and amendments be postponed indefinitely; which was agreed to. Ayes 31. Noes 29. The ayes and noes being demanded by Mr. Hawkins, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allison, Askew, Bailey, Bateman, Bell, Boddie, Brittain, Bullock, Carter, Collins, Cowper, Dobson, Faison, Hawkins, Hogan, Howell, Latham, Leake, Lilley, Lindsay, Melvin, Moffitt, Morris, Norman, Ray, Simmons, Skinner, Toomer, Wellborn, Wilder, Williams.

Those who voted in the negative are, Messrs. Allen, Carson, Dishongh, Gavin, Hall, Harrison, Hinton, Hoke, Houston, Hussey, Kerr, McDowell, Marshall, Martin, Massey, Mathews, Montgomery, of H., Montgomery, of O., Moore, Moye, of G, Moye, of P., Parham, Parker, Rhodes, Spaight, Spencer, Stedman, Tyson, Vanhook.

Received from the House of Commons a message, proposing that the two Houses proceed to ballot on Wednesday next for a judge of the supreme court, and stating that Joseph John Daniel and Henry Seawell are in nomination for the appointment. On motion of Mr. Montgomery, of Orange, ordered, that the said message be laid upon the table; and, on motion of Mr. Allen, ordered, that a message be sent to the House of Commons, proposing to ballot for judge of the supreme court on Friday next, and informing that the name of John D. Toomer is added to the nomination.

Received from the House of Commons the resignation of S. J. Baker, a justice of the peace for the county of Martin, endorsed in that House, "read and accepted," and which was read and accepted by the Senate.

The Senate then proceeded to take up the resolutions, disapproving the doctrine of Nullification and the policy of a Southern Convention, and the resolutions on the subject of Nullification and the Tariff; and the question being will the Senate now resolve itself into a committee of the whole House, for the purpose of considering the said resolution? it was determined in the negative. Mr. Mathews moved that the committee of the whole House be discharged from the further consideration of the said resolutions, and that they be referred to the joint select committee, to which is referred the communication from the Governor of South Carolina and its accompanying documents. Mr. Allen moved that the Senate do now adjourn, which motion having precedence, the question thereon was first put and decided in the affirmative; and thereupon the Senate adjourned until to-morrow morning, 10 o'clock.

THURSDAY, DECEMBER 20, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled, "a bill to authorise the courts of pleas and quarter sessions, of the counties of Hertford and Gates, to lay a tax to defray all the expences incident to calling out the militia during the insurrection in Southampton county, Virginia, and for other purposes; in which they ask the concurrence of that House.

Received from the House of Commons a message, of the date of yesterday, proposing to ballot immediately for a colonel of cavalry of the 5th Brigade, and stating that William H. Roberts, Mathew Calvert and Rice B. Pierce are in nomination for the appointment. On motion of Mr. Wilson, ordered, that the said message be laid upon the table; and that a message be sent to the House of Commons, proposing to ballot immediately for that officer.

Mr. Martin presented the memorial of sundry citizens, of the county of Surry, praying the location of a large Banking Capital, at the town of Leaks, ville, in the county of Rockingham, which was read, and, on motion of Mr. Martin, ordered to be laid upon the table.

Mr. Montgomery, of Hertford, from the committee on propositions and grievances, to whom was referred the bill to divorce Rebecca Ann Smith, of Columbus county, from her husband Richard Smith, made an unfavorable report thereon, and asking to be discharged from the further consideration of the subject; in which report the Senate concurred, and the committee was discharged accordingly; whereupon the said bill was read the second time, and resolved that the same shall not pass.

Mr. Montgomery, of Hertford, from the same committee, to whom was referred the petition of sundry citizens of the county of New Hanover, praying the erection of a new county out of parts of the counties of New Hanover, Sampson and Duplin, made an unfavorable report thereon, recommending that

the prayer of the petitioner be rejected; in which report the Senate concurred, and the committee was discharged from the further consideration of the subject.

Mr. Moye, of Pitt, presented a bill, entitled, "a bill to incorporate the Pitt Troopers;" which was read the first time and passed; and being read the second time, Mr. Melvin moved to amend the bill, by inserting in the first section after the words "Pitt Troopers," the following words, to wit: "And the Bladen Cavalry, commanded by Captain John Owen;" which amendment was agreed to; and the bill, as amended, was read the second time and passed.

Mr. Hinton presented a bill, entitled, "a bill compensating jurors, of the original pannel, in the county of Beaufort;" which was read the first time and passed.

The engrossed bill to appoint an additional place of Public Sale, in the county of Beaufort, was read the third time. Mr. Hinton moved to amend the bill, by striking out the first and second sections and inserting in lieu thereof a substitute, which was read and agreed to; and the bill, as amended, was read the third time and passed; and a message sent to the House of Commons, asking their concurrence in the amendment.

On motion of Mr. Wellborn, the Senate proceeded to take up the certificate of allowance, of the county court of Lincoln, in favor of John Starrett, a pensioner of the State; and, on motion of Mr. Hoke, ordered, that the said certificate be countersigned by the Speaker of the Senate and returned to the House of Commons.

The bill to divorce Polly Buckner from her husband Edward Buckner, was read the second and third times and passed, and ordered to be engrossed.

The bill to emancipate Littlebury, a slave, the property of John D. Scott, was read the second time. Mr. Carter moved that the further consideration of the bill be postponed indefinitely; which motion was not agreed to. Ayes 30. Noes 32. The ayes and noes being demanded by Mr. Carter, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allison, Askew, Bailey, Bateman, Brittain, Bullock, Carson, Carter, Cowper, Dishongh, Hall, Harrison, Hawkins, Houston, Howell, Leake, Marshall, Moore, Moye, of P., Ray, Rhodes, Skinner, Spaight, Spencer, Toomer, Tyson, Vanhook, Wilder, Williams, Wilson.

Those who voted in the negative are, Messrs. Allen, Bell, Boddie, Collins, Dobson, Faison, Gavin, Hinton, Hogan, Hoke, Hussey, Kerr, Lamb, Latham, Lilley, Lindsay McDowell, Martin, Massey, Mathews, Melvin, Moffitt, Montgomery, of H., Morris, Moye, of G., Norman, Parham, Parker, Seawell, Simmons, Stedman, Wellborn.

The question then recurring on the passage of the bill the second time, it was decided in the affirmative. Ayes 33. Noes 30. The ayes and noes being demanded by Mr. Spaight, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allen, Bell, Boddie, Collins, Dobson, Faison, Gavin, Hinton, Hogan, Hoke, Hussey, Kerr, Lamb, Latham, Lilley, Lindsey McDowell, Martin, Massey, Mathews, Melvin, Moffitt, Montgomery, of H., Montgomery of O., Morris, Moye, of G., Norman, Parham, Parker, Seawell, Simmons, Stedman, Wellborn.

Those who voted in the negative are, Messrs. Allison, Askew, Bailey, Bateman, Brittain, Bullock, Carson, Carter, Cowper, Dishongh, Hall, Harrison, Hawkins, Houston, Howell, Leak, Marshall, Moore, Moye, of P., Ray, Rhodes, Skinner, Spaight, Spencer, Toomer, Tyson, Vanhook, Wilder, Williams, Wilson.

The Senate then entered upon the orders of the day, and proceeded to take up and consider the engrossed bill, entitled, "a bill making an appropriation and appointing commissioners for the rebuilding of the Capitol in the city at Raleigh; and the bill being read the second time, Mr. Hoke moved to amend it by striking out the whole of the first section after the enacting clause, and inserting the following, to wit:

"That the sum of fifty thousand dollars be appropriated for re-building the Capitol on Union Square in the city of Raleigh; which sum shall be raised in manner hereinafter mentioned.

Be it further enacted, That the justices of the peace in each county in this State shall, at the next Court of Pleas and Quarter Sessions to be holden for their respective counties, after the first day of March next, proceed to lay a tax on all white and black polls, and on all real estate in their respective counties, which shall amount, in the aggregate for each county, to the sum of seven hundred and eighty dollars.

Be it further enacted, That the clerks of the respective County Courts shall furnish lists to the sheriff, and the sheriff shall collect said tax under the same rules, regulations and restrictions as are now prescribed by law for the collection of the revenue due to the State, and shall account for the same with the Treasurer of the State in like manner as they now account by law.

Be it further enacted, That the sum of fifty thousand dollars thus levied, shall be appropriated to the building of the Capitol, and no other fund.

Be it further enacted, That the justices of the peace in the respective counties, for failure to comply with the requisitions of this act, shall be liable to indictment.

A division of the question being called for by Mr. Martin, it was first taken on striking out the first section after the enacting clause; which was not agreed to. Ayes 7. Noes 56. The ayes and noes being demanded by Mr. Collins, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Hoke, Kerr, Montgomery, of O., Moore, Parker, Toomer, Wellborn.

Those who voted in the negative are, Messrs. Allen, Allison, Askew, Bailey, Bateman, Bell, Boddie, Brittain, Bullock, Carson, Carter, Collins, Cowper, Dishongh, Dobson, Faison, Gavin, Hall, Hawkins, Harrison, Hinton, Hogan, Houston, Howell, Hussey, Lamb, Latham, Leak, Lilley, Lindsay, McDowell, Marshall, Martin, Massey, Mathews, Melvin, Moffitt, Montgomery, of H., Morris, Moye, of G., Moye, of P., Norman, Parham, Ray, Rhodes, Seawell, Simmons, Skinner, Spaight, Spencer, Stedman, Tyson, Vanhook, Wilder, Williams, Wilson.

The question then recurring on the passage of the bill the second time, it was determined in the affirmative. Ayes 36. Noes 27. The ayes and noes being demanded by Mr. Vanhook, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Askew, Bailey, Bateman, Bell, Boddie, Bullock, Carson, Collins, Cowper, Dishongh, Faison, Harrison, Hawkins, Hinton, Hussey, Latham, Lindsay, McDowell, Marshall, Mathews, Melvin, Montgomery, of H., Montgomery, of O., Moye, of G., Moye, of P., Norman, Rhodes, Seawell, Simmons, Skinner, Spaight, Spencer, Vanhook, Wilder, Williams, Wilson.

Those who voted in the negative are, Messrs. Allen, Allison, Brittain, Carter, Dobson, Gavin, Hall, Hogan, Hoke, Houston, Howell, Kerr, Lamb, Leak, Lilley, Martin, Massey, Moffitt, Moore, Morris, Parham, Parker, Ray, Stedman, Toomer, Tyson, Wellborn.

Mr. Allen moved that the bill be now read for the third time; which was agreed to. Ayes 33. Noes 30. The ayes and noes being demanded by Mr. Hawkins, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allen, Askew, Bailey, Bateman, Bell, Boddie, Bullock, Cowper, Dishongh, Faison, Harrison, Hawkins, Hinton, Hussey, Latham, Lindsay, Marshall, Mathews, Melvin, Montgomery, of H., Moye, of G., Moye, of P., Norman, Rhodes, Seawell, Simmons, Skinner, Spaight, Spenceer, Vanhook, Wilder, Williams, Wilson.

Those who voted in the negative are, Messrs. Allison, Brittain, Carson, Carter, Collins, Dobson, Gavin, Hall, Hogan, Hoke, Houston, Howell, Kerr, Lamb, Leak, Lilley, McDowell, Martin, Massey, Moffitt, Montgomery, of O., Moore, Morris, Parham, Parker, Ray, Stedman, Toomer, Tyson, Wellborn.

And the bill being thereupon read the third time, Mr. Carson moved to amend it by striking out the words "lower story," in the sixth line of the third section, and insert the words "Walls;" which amendment was not agreed to. Mr. Allen moved to amend the bill, by striking out the word "fifty," in the fourth line of the first section, and inserting the word "sixty;" which amendment was not agreed to. The question then recurring on the passage of the

bill the third time, it was decided in the affirmative. Ayes 35. Noes 28.

The ayes and Noes being demanded by Mr. Carson, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Askew, Bailey, Bateman, Bell, Boddie, Bullock, Collins, Cowper, Dishongh, Faison, Harrison, Hawkins, Hinton, Hussey, Latham, Lindsey, McDowell, Marshall, Mathews, Melvin, Montgomery, of H., Montgomery of O., Moye, of G., Moye, of P., Norman, Rhodes, Seawell, Simmons, Skinner, Spaight, Spencer, Vanhook, Wilder, Williams, Wilson.

Those who voted in the negative are, Messrs. Allen, Allison, Brittain, Carson, Carter, Dobson, Gavin, Hall, Hogan, Hoke, Houston, Howell, Kerr, Lamb, Leak, Lilley, Martin, Massey, Moffitt, Moore, Morris, Parham, Parker, Ray, Stedman, Toomer, Tyson, Wellborn.

Whereupon the said bill was ordered to be enrolled, and the Senate then adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DECEMBER 21, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled, "a bill to divorce Polly Buckner from her husband Edward Buckner," in which they ask the concurrence of that House.

Received from the House of Commons, a message of the date of yesterday, proposing to ballot immediately for Colonel-commandant, Lieutenant-colonel and Major of Cavalry, attached to the 5th Brigade, and stating that the name of Mathew Calvert is withdrawn from the nomination for Colonel-commandant and is added to the nomination for Lieutenant-colonel, and that Roderick B. Gary is in nomination for Major. On motion of Mr. Spaight, ordered, that the said message be laid upon the table; and, on motion of Mr. Faison, ordered, that a message be sent to the House of Commons, proposing to ballot for those officers on to-morrow, and stating that John White is added to the nomination for Major.

Mr. Tyson presented the resignation of William Hancock, Lieutenant-colonel of the 44th Regiment of North Carolina Militia; which was read and accepted and sent to the House of Commons.

Received from the House of Commons a message, proposing to ballot immediately for Lieutenant-colonel and Major of Cavalry attached to the 9th Brigade; and stating that David E. Moore and Andrew Patterson are in nomination for Lieutenant-colonel and George Philips for Major; which proposition was agreed to; and Messrs. Simmons and Spencer were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

A message was also received from the House of Commons, of the date of yesterday, proposing that the two Houses ballot on Monday next, for judge of the superior courts of law and equity in this State, and stating that the names of Gavin Hogg and Romulus M. Saunders are in nomination for the appointment; which proposition was agreed to, and a message sent to the House of Commons informing them thereof.

Mr. Askew presented the following resolution, to wit:

Resolved, That this Legislature adjourn on the 5th day of January, 1833, *sine die*; Which was read, and, on motion of Mr. Mathews, ordered to be laid upon the table.

On motion of Mr. Latham,

Resolved, That the practice of issuing *ca. sas.* in the first instance, or ever, while debtors have a sufficiency of visible property, as is often done purposely to harrass and degrade the debtor and distress his family, is a species of tyranny and oppression, which strikes directly at the personal liberty of the citizen, and is at war with the spirit of the laws,

which the General Assembly of late years have passed to ameliorate the condition of debtors, and is no longer sufferable among a free people:

Be it therefore further resolved, That the committee on the Judiciary be instructed to inquire, whether a remedy for this evil cannot be devised, and that they have leave to report by bill or otherwise.

Mr. Hinton presented the following preamble and resolution, to wit:

Whereas it being represented to this branch of the General Assembly by a Senator in his place, that many of the people in some of the seaboard counties believe that there are immense bodies of lands still belonging to the State, and very nearly equal to the best of earth, for fertility and productiveness, and intrinsically worth millions of dollars, in the larger swamps of said counties, which have been and still are kept from entry or purchase of the State, by pretence of title thereto, by holders of large entries in said swamps, made many years ago, but which were probably never actually surveyed, or the lines thereof actually marked; by reason of which, those lands are doomed, without legislative interference, to continue perhaps for an age to come in their present wild and profitless condition, generating disease and death to those residing in their vicinity: for remedy whereof,

Be it resolved by the Senate, That the honorable the committee on the Judiciary be instructed to inquire into the expediency of requiring the holders of large entries in said Swamps and pocosins to accurately survey said entries and mark the boundaries thereof, so that the people, as well as the State, may ascertain the true extent of said claims, and know where and how much of said lands remain belonging to the State; and that they have leave to report by bill or otherwise.

Mr. Moore presented the following preamble and resolution, to wit:

Whereas several of the States of this confederacy have complimented the State of North Carolina with Maps of their respective States, and whereas John McRea, of Fayetteville, has lately completed a neat and elegant Map of this State;

Be it therefore resolved, by the General Assembly of the State of North Carolina, and it is hereby resolved by the authority of the same, That his Excellency the Governor be, and he is hereby authorised and requested, as soon as convenient, to procure at a reasonable price a sufficient number of copies of the Map of this State, (as executed by John McRea,) and transmit one copy of the same to the District of Columbia, to each of the States of this confederacy, and to each of the Territories or Districts, now under the government of the Congress of the United States.

Which was read the first time and passed.

Mr. Moye, of Pitt, presented a bill, entitled, "a bill fixing a uniform time of holding the elections in the third Congressional District of North Carolina in all the counties therein;" which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Mathews presented a bill, entitled, "a bill for the better regulation of the court of pleas and quarter sessions for the county of Halifax;" which was read the first, second and third times, passed and ordered to be engrossed.

Mr. Dishongh presented a bill, entitled, "a bill to reduce the salary of the supreme court judges of North Carolina;" which was read the first time and passed.

Received from the House of Commons a message, transmitting a communication from the Public Treasurer, inclosing a communication made to him by the State's Counsel, in the suits against the sureties of the late Public Treasurer, accompanied by a proposition from that House, that the said communication be referred to a joint select committee; which proposition was agreed to, and Messrs. Wilson, Wellborn, Seawell, Toomer and Spaight were appointed to form the said committee, on the part of the Senate, and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, stating that Messrs. Foscue and Emmitt are appointed to conduct the balloting, on the part of that House, for Lieutenant-colonel and Major of Cavalry of the 9th Brigade.

A message was also received from the House of Commons, stating that they have passed the engrossed "resolution in favor of David Caldwell;" in which

they ask the concurrence of the Senate; whereupon the said resolution was read the first time and passed.

Received also from the House of Commons a message, stating thier concurrence in the amendments proposed by the Senate to the engrossed bill, amending the several acts of Assembly, incorporating the Roanoke and Cape Fear Navigation Companies, and prescribing the mode of enforcing the collection of Tolls. Ordered that the said bill be enrolled.

Received also from the House of Commons a message, stating that they have rejected the engrossed resolution in favor of Solomon Summers.

Mr. Allen presented a bill, entitled, "a bill to exempt hands from working on certain roads, in the county of Buncombe;" which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Dobson presented a bill, entitled, "a bill concerning the town of Rockford, in Surry county;" which was read the first, second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, proposing to ballot immediately for Colonel and Lieutenant-colonel of Cavalry, attached to the 12th Brigade; and stating that Nathan G. Blount and Lemuel H. Whitfield are in nomination for Colonel, and John McLeod for Lieutenant-colonel. Mr. Rhodes moved that the said message be laid upon the table; which was not agreed to. The question then recurring on agreeing to the proposition, it was determined in the affirmative; whereupon Messrs. Rhodes and Moyer were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message; and a message was thereupon received from the House of Commons, stating that Messrs. Cuthbertson and Beeman attend the Senate, to conduct the balloting on their part.

A message was also received from the House of Commons, stating that Messrs. Hart, Roberts and Wiseman form their branch of the select joint committee, appointed to provide for the distribution of the acts of Congress, at present in the Executive office.

The bill to repair and improve and lay off a road, from Cornelius Howard's Mill, in Wilkes county, leading up Elk Creek to the Ashe county line, and from thence into the main road, crossing the Blue Ridge at the Deep Gap, was read the third time. Mr. Wellborn moved to amend the bill, by filling the blank in the last section with the word "four;" which amendment was agreed to. Mr. Wellborn moved further to amend the bill, by adding the following proviso at the end of the second section, to wit:

Provided, That the hands called out to work on said road, shall not be compelled to work on said road more than four days in each and every year until the same is completed;

Which amendment was also agreed to. The question then recurring, on the passage of the bill the third time as amended, it was decided in the affirmative, and the bill was ordered to be engrossed.

A message was received from the House of Commons, proposing that the two Houses proceed to ballot on Wednesday next for a judge of the supreme court, and stating that Frederick Nash and Robert Strange are added to the nomination; which proposition was agreed to, and a message sent to the House of Commons informing them thereof.

Received also from the House of Commons a message, stating that they have postponed indefinitely the engrossed bill to amend the second section of an act, passed at the last session of the General Assembly, entitled, "an act for the better regulation of the conduct of negroes, slaves and free persons of color."

Mr. Simmons, from the committee appointed to conduct the balloting for Lieutenant-colonel and Major of Cavalry attached to the 9th Brigade, reported that David E. Moore, having received a majority of the whole number of votes, is duly elected Lieutenant-colonel, and that George Philips, having also received a majority of the whole number of the votes, is duly elected Major; in which report the Senate concurred.

Received from the House of Commons a message, proposing to ballot immediately for Major of Cavalry of the 17th Brigade, and stating that Nath. R. Tunstall is in nomination for the appointment; which proposition was agreed to; and Messrs. Tyson and Faison were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message; whereupon a message was received from that House, stating that Messrs. Brown and McCleese attend the Senate, to conduct the balloting on their part.

The bill to establish the Bank of North Carolina was read the third time. Mr. Moore moved to amend the bill, by striking out the following words in the fourth line of the second section, to wit: "or in bank notes equivalent thereto;" which amendment was agreed to. Ayes 35. Noes 25. The ayes and noes being demanded by Mr. Martin, are as follows, to wit.

Those who voted in the affirmative are, Messrs. Allison, Askew, Bailey, Bell, Boddie, Carson, Cowper, Dobson, Gavin, Hall, Harrison, Hawkins, Hogan, Houston, Howell, Latham, Leake, Lindsay, McDowell, Marshall, Mathews, Melvin, Montgomery, of O., Moore, Morris, Moye, of P., Ray, Seawell, Spaight, Spencer, Toomer, Vanhook, Wilder, Williams, Wilson.

Those who voted in the negative are, Messrs. Allen, Brittain, Bullock, Carter, Collins, Dishongh, Hinton, Hoke, Hussey, Kerr, Lamb, Lilley, Martin, Massey, Moffitt, Montgomery, of H., Moye, of G., Parham, Parker, Rhodes, Simmons, Skinner, Stedman, Tyson, Wellborn.

Mr. Seawell moved further to amend the bill, by inserting after the word "Coin," in the same section, the following words, to wit: "or bullion at the Mint value;" which amendment was also agreed to. Mr. Collins moved further to amend the bill, by adding the following proviso at the end of the first section, to wit: "Provided that no such increase shall be made within ten years from the passage of this act;" which amendment was not agreed to. Ayes 15. Noes 44. The ayes and noes being demanded by Mr. Martin, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allison, Bailey, Bullock, Carson, Collins, Faison, Leak, McDowell, Marshall, Melvin, Morris, Moye, of G., Seawell, Spaight, Toomer.

Those who voted in the negative are, Messrs. Allen, Bell, Boddie, Brittain, Carter, Dishongh, Dobson, Gavin, Hall, Harrison, Hawkins, Hinton, Hogan, Hoke, Houston, Howell, Hussey, Kerr, Lamb, Latham, Lilley, Lindsay, Martin, Massey, Mathews, Moffitt, Montgomery, of H., Montgomery, of O., Moore, Moye, of P., Parham, Parker, Ray, Rhodes, Simmons, Skinner, Spencer, Stedman, Tyson, Vanhook, Wellborn, Wilder, Williams, Wilson.

Mr. Montgomery, of Orange, moved further to amend the bill, by striking out the word "June," in the fifth line of the second section, and inserting the word "March;" which amendment was agreed to; also to strike out the word "September," in the twenty-sixth line of the printed bill, and inserting the word "May." Mr. Houston moved to insert the word "June." A division of the question being called for, it was first taken on striking out; which was agreed to; whereupon Mr. Hinton moved to fill the blank with the word "June;" which was agreed to. Mr. Martin moved further to amend the bill by striking out the words "four hundred," in the third section, and inserting the words "three hundred and seventy-five;" which amendment was also agreed to. Mr.

Hall moved further to amend the bill, by inserting after the words "per annum," in the third line of the seventeenth section, the following words, to wit: "and each State Director the sum of two hundred dollars;" which amendment was also agreed to. Mr. Wilson moved further to amend the bill, by inserting after the word "advisable," in the thirteenth line of the eighth section, the following words, to wit: "which shall not exceed six per centum per annum on its capital stock; and in case of excess, the surplus shall go to the use of the State." Mr. Hogan moved to amend the amendment, by striking out the word "State," and inserting the words "Literary Fund;" which was not agreed to. The question then recurring on Mr. Wilson's amendment, it was decided in the negative. Mr. Wilson moved further to amend the bill, by adding the following as an additional section, to wit:

Be it further enacted by the authority aforesaid, That in case the officers of the principal Bank, or any of its branches, in the usual banking hours, shall refuse or delay payment in gold or silver money, of any note or bill of said corporation, the said corporation shall be liable to pay the holder thereof damages at the rate of ten per centum per annum for the time during which such payment shall be delayed or refused; and the holders of the stock in said corporation shall be liable in their private and individual capacity, for all the debts created by said corporation, in proportion to the stock they may respectively hold; Which amendment was not agreed to. Mr. Montgomery, of Orange, moved further to amend the bill, by adding the following as an additional section, to wit:

Be it further enacted, That should individuals fail to subscribe for stock in this institution on or before the first day of May next, then the president and directors elected by the Legislature shall be incorporated as provided for in this act, and go into operation on the funds of the State, set apart and named in this act, and the sum of twelve hundred thousand dollars owned by the State shall be the capital stock of the Bank; and should a part only of the individual subscription authorised to the Bank be taken, they shall only be entitled to elect a corresponding portion of the directors to the stock subscribed; Which amendment was not agreed to. Ayes 13. Noes 46. The ayes and noes being demanded by Mr. Montgomery, of Orange, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Hall, Harrison, Hawkins, Hoke, Lindsay, Montgomery, of O., Moore, Parker, Ray, Skinner, Spencer, Wellborn, Wilson.

Those who voted in the negative are, Messrs. Allen, Allison, Bailey, Bell, Boddie, Brittain, Bullock, Carson, Carter, Collins, Dishongh, Dobson, Faison, Gavin, Hinton, Hogan, Houston, Howell, Hussey, Kerr, Lamb, Latham, Leak, Lilley, McDowell, Marshall, Martin, Massey, Mathews, Melvin, Moffitt, Montgomery, of H., Morris, Moye, of G., Moye, of P., Parham, Rhodes, Seawell, Simmons, Spaight, Stedman, Toomer, Tyson, Vanhook, Wilder, Williams.

Mr. Toomer moved further to amend the bill, by striking out the word "one," in the second line of the last section, and inserting the word "six;" which amendment was not agreed to. Ayes 26. Noes 32. The ayes and noes being demanded by Mr. Martin, are as follows:

Those who voted in the affirmative are, Messrs. Bailey, Boddie, Carson, Collins, Hawkins, Hogan, Houston, Latham, Leak, McDowell, Marshall, Mathews, Melvin, Montgomery, of O., Moore, Morris, Moye, of G., Moye, of P., Seawell, Spaight, Spencer, Stedman, Toomer, Vanhook, Williams, Wilson.

Those who voted in the negative are, Messrs. Allen, Allison, Bell, Brittain, Bullock, Carter, Dishongh, Dobson, Gavin, Hall, Harrison, Hinton, Hoke, Howell, Hussey, Kerr, Lamb, Lilley, Lindsay, Martin, Massey, Moffitt, Montgomery, of H., Parham, Parker, Ray, Rhodes, Simmons, Skinner, Tyson, Wellborn, Wilder.

Mr. Rhodes moved further to amend the bill, by adding the following as an additional section, to wit:

Be it further enacted, That if any director or officer of the said Bank, steal, purloin, embezzle, or in any way act fraudulently with the funds of said Bank, it shall be deemed felony and punishable as such.

Which amendment was agreed to. Mr. Bailey moved further to amend the

bill, by inserting after the word "State," in the sixth line of the seventh section, the following words, to wit: "for and on account of the Literary Fund;" which amendment was also agreed to. The question then recurring, on the passage of the bill the third time, it was decided in the affirmative. Ayes 33. Noes 27. The ayes and noes being demanded by Mr. Allen, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allen, Bell, Brittain, Carter, Dishough, Dobson, Gavin, Hall, Harrison, Hinton, Hogan, Hoke, Hussey, Kerr, Lamb, Leak, Lilley, Lindsay, Martin, Massey, Moffit, Montgomery, of O., Morris, Parham, Parker, Rhodes, Skinner, Spencer, Stedman, Tyson, Vanhook, Wellborn, Wilder.

Those who voted in the negative are, Messrs. Allison, Askew, Bailey, Boddie, Bullock, Carson, Collins, Faison, Hawkins, Houston, Howell, Latham, McDowell, Marshall, Mathews, Melvin, Montgomery, of H., Moore, Moye, of G., Moye, of P., Ray, Seawell, Simmons, Spaight, Toomer, Williams, Wilson.

Whereupon the said bill was ordered to be engrossed.

Received from the House of Commons the resignation of James K. Hill, Colonel-commandant of the 31st Regiment of the Militia; the resignation of John Dockery, Major of the first Regiment of Montgomery county Militia, and the resignation of P. Collier, a justice of the peace for the county of Wayne, endorsed in that House, "read and accepted," and which were read and accepted by the Senate.

Mr. Moye, of Green, from the committee appointed to conduct the balloting for cavalry officers of the 12th Brigade, reported that Nathan G. Blount, having received a majority of the whole number of votes, is duly elected Colonel; and that John McLeod, having also received a majority of the whole number of votes, is duly elected Lieutenant colonel; in which report the Senate concurred.

Mr. Faison, from the committee appointed to conduct the balloting for Major of Cavalry of the 17th Brigade, reported that Nathaniel R. Tunstall, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

And then the Senate adjourned until to-morrow morning, 10 o'clock.

SATURDAY, DECEMBER 22, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: "A bill fixing a uniform time of holding the elections in the third Congressional District of North Carolina, in all the counties therein;" "a bill concerning the town of Rockford, in Surry county;" "a bill for the better regulation of the courts of pleas and quarter sessions for the county of Halifax;" "a bill to repair, improve and lay off a road from Cornelius Howard's Mill, in Wilkes county, up Elk Creek to the Ashe county line, and from thence to the main road, crossing the Blue Ridge at the Deep Gap;" and "a bill to exempt hands from working on certain roads in Buncombe county; in which they ask the concurrence of that House.

Mr. Askew presented the petition of James Seawell, of Fayetteville, praying the Legislature to refund to him the amount of a judgment and costs, and interest paid by him as one of the securities of Dillon Jordan, an auctioneer of the town of Fayetteville. Ordered, that the said petition, with the accompanying documents, be referred to the committee on propositions and grievances.

Mr. Collins presented the memorial of the stockholders of the Plymouth Turnpike Company, praying the Legislature to authorise an additional subscription of stock on behalf of the State to said Company. Ordered, that the said memorial be referred to the committee on internal improvement.

Mr. Montgomery, of Orange, from the select committee, to whom was referred so much of the Governor's message as relates to the collection of the old Journals, Laws, &c. under a resolution of the last General Assembly, made a report thereon, which was read, and, on motion of Mr. Montgomery, of Orange, ordered to be laid upon the table.

Mr. Morris, from the select committee, to whom was referred so much of the Governor's message as relates to the papers belonging to the Senate, which were saved during the late conflagration of the State House, made a detailed report thereon, stating that the papers had been arranged and filed as directed by a resolution of the last General Assembly, and were safely deposited in the office of the Secretary of State, and where the committee recommend they shall remain until suitable buildings can be prepared for their reception; in which report the Senate concurred.

On motion of Mr. Mathews,

Resolved, That the committee of finance be instructed to inquire whether the sum, of six hundred dollars, appropriated by a resolution of the last General Assembly, for house rent, &c. for the use of the Governor of this State, has been expended; if so, for what, and to whom paid, and that they report accordingly.

Mr. Cowper presented a bill, entitled, "a bill to incorporate the Sunsbury Academy, in the county of Gates;" which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Latham presented a bill, entitled "a bill to alter the name of, and legitimate Sally Holliday, of Martin county;" which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Hinton presented a bill, entitled, "a bill to alter the names of Richard Alderson and William White, of Beaufort county, and entitle them to inherit;" which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Cowper presented a bill, entitled, "a bill to incorporate the Catesville Academy;" which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Moffitt presented a bill, entitled, "an act to incorporate the Randolph Blues;" which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Brittain presented a bill, entitled, "a bill to authorise the issuing of a grant for lands to Amos Curtis and others; which was read the first time and passed, and, on motion of Mr. Brittain, ordered, together with the accompanying documents, to be referred to the committee on propositions and grievances.

Mr. Parham presented a bill, entitled, "a bill to repeal an act, passed in the year 1830, chapter 143, entitled, an act for the better regulation of the courts of pleas and quarter sessions of the county of Haywood; which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Hussey presented a bill, entitled, "a bill for the better regulation of the court of pleas and quarter sessions of Duplin county;" which was read the first time and passed.

Mr. Seawell presented a bill, entitled, "a bill to alter the names of Catharine Dawson and Henry Dawson, of Wake county; which was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the following engrossed resolutions, to wit: "a resolution in favor of Mary Edwards and others;" "a resolution in favor of Joseph Welch;" and "a resolution in favor of Frederick and Elias Liverman;" in which they ask the concurrence of the Senate; whereupon the said resolutions were severally read the first time and passed.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: "A bill to amend an act, passed in the year 1824, entitled, "an act to amend an act, passed in the year 1819, entitled, an act to appoint a board of branch pilots, to examine all persons who now have, or may hereafter wish to obtain, a branch to pilot on Ocracock Bar and the Swashes," and "a bill supplementary to an act, passed in 1830, entitled, "an act to enact, with sundry alterations and additions, an act, entitled, an act to incorporate the Petersburg Rail-road Company, passed by the Legislature of Virginia, on the 10th day of February, 1830;" in which they ask the concurrence of the Senate; whereupon the said bills were read the first time and passed.

The bill to amend an act, passed in the year 1831, entitled, "an act to increase the liability of sheriffs, and to provide more effectually for the collection of taxes," was read the second and third times and passed, and ordered to be engrossed; and the engrossed bill "concerning charities," was read the second time and passed.

The Senate then entered upon the orders of the day, and proceeded to consider the bill to amend the militia laws; and the bill being read the second time, Mr. Dobson moved to amend it by striking out the third section; which amendment was agreed to. Ayes 41. Noes 19. The ayes and noes being demanded by Mr. Hall, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allen, Askew, Bailey, Bell, Bullock, Carson, Collins, Cowper, Dishongh, Dobson, Faison, Gavin, Hall, Harrison, Hinton, Hogan, Houston, Howell, Lamb, Latham, Leak, Lilley, Lindsay, Martin, Melvin, Moffitt, Montgomery, of H., Moore, Morris, Parker, Ray, Rhodes, Seawell, Skinner, Spaight, Spencer, Stedman, Toomer, Tyson, Wellborn, Wilder.

Those who voted in the negative are, Messrs. Allison, Boddie, Brittain, Hawkins, Hoke, Hussey, Kerr, McDowell, Marshall, Massey, Mathews, Montgomery, of O., Moye, of G., Moye, of P., Norman. Parham Simmons, Vanhook, Wilson.

Mr. Allen moved further to amend the bill, by inserting the following as a substitute for the third section, to wit:

"That it shall not be lawful for the captains of the several companies within this State, to call their men together, without their consent, for the purpose of company musters, more than twice in each year, except in cases of insurrection or invasion: *Provided*, that nothing herein contained shall be construed as applying to volunteer companies; and provided further, that whenever any person enters into ranks in the extra musters he shall be subject to the same discipline and governed by the same rules and penalties as govern them in their regular musters."

Mr. Faison moved to amend the substitute, by striking out the word "two," and inserting "four;" which amendment was not agreed to. Ayes 13. Noes 49. The ayes and noes being demanded by Mr. Carter, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allison, Faison, Hussey, Kerr, McDowell, Marshall, Moffitt, Montgomery, of O., Moye, of G., Moye, of P., Norman, Vanhook, Wilson.

Those who voted in the negative are, Messrs. Allen, Askew, Bailey, Bell, Boddie, Brittain, Bullock, Carson, Carter, Collins, Cowper, Dishongh, Dobson, Gavin, Hall, Harrison, Hawkins, Hinton, Hogan, Hoke, Houston, Howell, Lamb, Latham, Leak, Lilley, Lindsay, Martin, Massey, Mathews, Melvin, Montgomery, of H., Moore, Morris, Parham, Parker, Ray, Rhodes, Seawell, Simmons, Skinner, Spaight, Spencer, Stedman, Toomer, Tyson, Wellborn, Wilder, Williams.

The question then recurring on agreeing to the substitute proposed by Mr. Allen, it was decided in the affirmative. Mr. Montgomery, of Orange, moved to recommit the bill and amendments to the committee on military affairs; which was not agreed to. Mr. Hawkins moved to lay it on the table; which was not agreed to. Mr. Hinton moved to amend the third section of the bill, by inserting after the word "invasion," the words "or to enforce the laws;" which was not agreed to. Mr. Faison moved to amend the fourth section of

the bill, by striking out the word "two" and inserting "three;" which was not agreed to. Mr. Allison moved to amend the same section, by striking out the word "exceeding" and inserting the words "less than;" which amendment was agreed to. Mr. Hawkins moved further to amend the bill, by adding the following at the end of the seventh section, to wit: "Which said copies shall be delivered to the commanding officer of each regiment, to be by him distributed as herein required; which amendment was agreed to. Mr. Dobson moved further to amend the bill, by striking out the word "three," in the first section, and inserting "four;" which amendment was not agreed to. The question then recurring on the passage of the bill the second time, as amended, it was decided in the affirmative.

The bill to reduce the salaries of the supreme court judges of North Carolina, was read the second time. Mr. Allen moved that the further consideration thereof be postponed indefinitely. Mr. Hinton moved that the bill be laid upon the table; which motion having precedence, the question thereon was first taken and decided in the affirmative.

Received from the House of Commons the resignation of Thomas J. Latham, a justice of the peace for the county of Beaufort, endorsed in that House, "read and accepted," and which was read and accepted by the Senate.

And the Senate then adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 24, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: "A bill to establish the Bank of North Carolina;" "a bill to incorporate the Randolph Blues;" "a bill to repeal an act, passed in 1830, chapter 143, entitled, "an act for the better regulation of the court of pleas and quarter sessions, of the county of Haywood;" "a bill to alter the name of, and legitimate Sally Holliday, of Martin county;" "a bill to alter the names of Richard Alderson and Wm. White, of Beaufort county, and entitle them to inherit;" "a bill to incorporate the Sunbury Academy, in the county of Gates;" "a bill to incorporate the Gatesville Academy," and "a bill to amend an act, passed in the year 1831, entitled "an act to increase the liability of Sheriffs, and to provide more effectually for the collection of taxes;" in which they ask the concurrence of that House.

Mr. Hawkins, from the joint select committee on military affairs, reported a bill, entitled, "a bill to provide for the appointment of a Brigade-major, and for other purposes;" which was read the first time and passed.

Mr. Hawkins, from the same committee, to whom was referred a resolution, directing His Excellency the Governor to loan to a Rifle Corps, formed or forming in the town of Washington, rifles and accoutrements belonging to the State, sufficient to arm the said company, made an unfavorable report thereon, recommending that the said resolution be rejected; in which report the Senate concurred; and the resolution was thereupon read the second time, and resolved that the same shall not pass.

Mr. Stedman presented the following preamble and resolution, to wit:

Whereas Robert Stinson, of Chatham county, paid the purchase money into the Treasury in the year 1799, for two hundred acres of land, for which he has not obtained any grant or grants, and the time limited for obtaining a grant or grants for the same having elapsed:

Resolved, That the Secretary of State issue to the said Robert Stinson a grant for, or on his warrant and survey, now prepared, for two hundred acres of land, being the same paid for as aforesaid, which entry or warrant now presented is No. 718;

Which was read the first time and passed, and, on motion of Mr. Stedman, ordered to be referred to the committee on propositions and grievances.

Mr. Lamb presented a bill, entitled, "a bill to incorporate the Blakely Blues;" which was read the first, second and third times and passed, and ordered to be engrossed.

The bill to alter the time for the Sheriff of Wilkes to make his settlements with said county, was read the third time and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that Messrs. Polk and A. W. Wooten have been added to the joint select committee on military affairs.

Received also from the House of Commons a message, stating that they have reconsidered their former vote on the engrossed "bill to repeal an act, passed in the year 1830, entitled, an act to repeal part of the second section of an act, passed in the year 1806, chapter 708, entitled, an act to revise the Militia Laws of this State," have passed the same with sundry amendments; in which they ask the concurrence of the Senate; whereupon the said amendments were read and concurred in, and the House of Commons was informed thereof by message.

A message was also received from the House of Commons, stating their concurrence in the amendments proposed by the Senate to the engrossed bill, to appoint an additional place of Public Sale in the county of Beaufort. Ordered that the said bill be enrolled.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: A bill to provide for the more prompt administration of justice in the counties of Burke, Buncombe, Lincoln and Rutherford;" and "a bill to erect out of a portion of the counties of Burke and Buncombe, a separate and distinct county, by the name of Yancey;" in which they ask the concurrence of the Senate; whereupon the first mentioned bill was read the first time and passed, and the last mentioned bill was read the first time and resolved that the same shall not pass. Ayes 27. Noes 33. The ayes and noes being demanded by Mr. Allen, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allen, Allison, Brittain, Carson, Carter, Dobson, Hogan, Hoke, Houston, Kerr, Leak, Lilley, McDowell, Martin, Massey, Moffitt, Montgomery, of O., Moore, Morris, Parham, Parker, Ray, Stedman, Toomer, Tyson, Vanhook, Wellborn.

Those who voted in the negative are, Messrs. Askew, Bailey, Bateman, Bell, Bullock, Collins, Cowper, Dishongh, Faison, Gavin, Hall, Harrison, Hawkins, Hinton, Howell, Hussey, Lamb, Latham, Lindsay, Marshall, Mathews, Melvin, Montgomery, of H., Moye, of G., Moye, of P., Norman, Rhodes, Simmons, Skinner, Spencer, Wilder, Williams, Wilson.

Received from the House of Commons a message, stating that Messrs. Whitaker and Jordan attend the Senate, to conduct the balloting on the part of that House for a judge of the superior courts of law and equity, heretofore agreed on to take place this day; whereupon Messrs. Collins and Stedman were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

The resolution authorising and requesting the Governor to purchase maps of North Carolina, to be presented to each of the States and Territories, was read the second time, and, on motion of Mr. Hawkins, ordered to be laid upon the table; and, on motion of Mr. Hawkins, ordered, that a message be

sent to the House of Commons, proposing to raise a joint select committee, whose duty it shall be to examine the map of the State, published by John McRea, of Fayetteville, and report to this House whether or not in their opinion, it will be expedient to purchase such number of said maps, as will be sufficient for distribution to each of the States and Territories and the District of Columbia. Messrs. Moore, Hawkins, Bell, Wilder and Kerr were appointed to form said committee on the part of the Senate.

The engrossed resolution in favor of David Caldwell was read the second time, and, on motion of Mr. Allison, ordered to be referred to the committee on the judiciary.

The following engrossed resolutions, to wit: "Resolution in favor of Frederick and Elias Liverman;" "Resolution in favor of Mary Edwards and others;" and "Resolution in favor of Joseph Welch, were severally read the second and third times and passed, and ordered to be enrolled.

The following engrossed resolutions, to wit: "Resolution in favor of Abdell Darnell;" "resolution in favor of John Dobbins, of Randolph county; resolution in favor of the executor of Walter Davenport, of Lenoir county;" and the engrossed bill concerning Charities, were severally read the third time and passed, and ordered to be enrolled.

On motion of Mr. Dobson, ordered, that James Allen, the senator from the county of Buncombe, have leave of absence from the services of the Senate from and after to-morrow until the end of the session.

On motion of Mr. Askew, ordered, that William W. Boddie, the senator from the county of Nash, have leave of absence from the services of the Senate for this day and to-morrow.

Mr. Collins, from the committee appointed to conduct the balloting for a judge of the superior courts of law and equity, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

A message was received from the House of Commons, proposing another balloting immediately for a judge of the superior courts of law and equity, and informing that the name of Romulus M. Saunders is withdrawn from the nomination; which proposition was agreed to, and Messrs. Martin and Mathews were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message; whereupon a message was received from that House, stating that Messrs. Little and Ziglar are appointed to conduct the balloting on their part.

The bill to amend the Militia Laws was read the third time. Mr. Carson moved to amend the bill, by striking out in the third line of the sixth section, the words "Rutherford and Burke," and inserting in lieu thereof the words "Burke and Iredell;" which amendment was agreed to. Mr. Allen moved further to amend the bill, by striking out in the seventh and eighth lines of the same section the words "Lincoln and Iredell," and inserting in lieu thereof the words "Rutherford and Lincoln;" which amendment was also agreed to; and the bill, as amended, was read the third time and passed, and ordered to be engrossed.

Mr. Allen presented a bill, entitled, "a bill making compensation to the Secretary of State for services required of him, by an act of the General Assembly of 1827, chapter 23, and for other purposes;" which was read the first time and passed.

The engrossed bill to provide for the more prompt administration of justice,

in the counties of Burke, Buncombe, Lincoln and Rutherford, was read the second and third times and passed, and ordered to be enrolled.

Mr. Martin, from the committee appointed to conduct the balloting for a Judge of the superior courts of law and equity, reported that Thomas Settle, having received a majority of the whole number of votes is duly elected; in which report the Senate concurred.

Mr. Toomer, from the joint select committee, to whom was referred the letter of His Excellency the Governor of the State of South Carolina to His Excellency the Governor of this State, together with its accompanying documents, made a detailed report thereon, accompanied by the following resolutions, to wit:

Resolved, That the General Assembly of the State of North Carolina doth entertain and doth unequivocally express a warm attachment to the constitution of the United States.

Resolved, That the General Assembly doth solemnly declare a devoted attachment to the Federal Union, believing that in its continuance depend the liberty, the peace, and prosperity of these United States.

Resolved, That whatever diversity of opinion may prevail in this State, as to the constitutionality of the acts of Congress imposing duties on imposts, yet it is believed a large majority of the people think those acts unconstitutional; and they are all united in the sentiment, that the existing Tariff is impolitic, unjust and oppressive; and they have urged, and will continue to urge its repeal.

Resolved, That the doctrine of Nullification, avowed by the State of South Carolina, and lately promulgated in an ordinance, is revolutionary in its character, subversive of the constitution of the United States, and leads to a dissolution of the Union.

Resolved, That our Senators in Congress be instructed, and our Representatives be requested, to use all constitutional means in their power to procure an adjustment of the existing controversy between the State of South Carolina and the General Government, and to produce a reconciliation between the contending parties.

Resolved, further, That a copy of these resolutions be respectfully communicated by his Excellency the Governor of this State, to his Excellency the Governor of South Carolina.

Which were read the first time and passed, and, on motion of Mr. Williams, ordered, that they be committed to a committee of the whole House, and made the order of the day for Thursday next; and, on motion of Mr. Bell, ordered, that the said report and resolutions be printed.

Received from the House of Commons the resignation of William D. Kelly, of the county of Surry, and of Eli Holland, of the county of Johnston, justices of the peace of their respective counties; also the resignation of Nathan G. Blount, major of cavalry of the 12th Brigade, endorsed in that House, "read and accepted," and which were read and accepted by the Senate.

Mr. Collins moved, that the Senate do now adjourn until Wednesday morning, 10 o'clock; which was not agreed to. Ayes 16. Noes 40. The ayes and noes being demanded by Mr. Moyer, of Pitt, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Askew, Bailey, Bateman, Bullock, Collins, Dishongh, Hinton, Hogan, Lamb, Lilley, Rhodes, Seawell, Stedman, Toomer, Tyson, Wilder.

Those who voted in the negative are, Messrs. Allen, Allison, Bell, Carson, Carter, Cowper, Dobson, Faison, Gavin, Hall, Harrison, Hawkins, Hoke, Houston, Howell, Kerr, Latham, Leak, Lindsay, McDowell, Marshall, Martin, Massey, Mathews, Melvin, Moffitt, Montgomery, of H., Montgomery, of O., Moore, Morris, Moyer, of G., Moyer, of P., Norman, Parham, Parker, Ray, Simmons, Spencer, Vanhook, Wellborn.

It was then moved that the Senate do now adjourn until to-morrow morning 10 o'clock; which was not agreed to. Ayes 18. Noes 38. The ayes and noes being demanded by Mr. Collins, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Bailey, Bell, Cowper, Hawkins, Hinton, Houston, Latham, Martin, Massey, Mathews, Moffitt, Norman, Parham, Ray, Seawell, Toomer, Tyson, Wellborn.

Those who voted in the negative are, Messrs. Allen, Allison, Askew, Brittain, Bullock, Carson, Carter, Collins, Dishongh, Dobson, Faison, Gavin, Hall, Harrison, Hogan, Hoke, Howell, Kerr, Lamb, Leak, Lilley, Lindsay, McDowell, Marshall, Melvin, Montgomery, of H., Montgomery, of O., Moore, Morris, Moye, of G., Moye, of P., Parker, Rhodes, Simmons, Spencer, Stedman, Vanhook, Wilder.

Mr. Hoke moved that the Senate adjourn until to-morrow morning, 9 o'clock, but subsequently withdrew the motion; when Mr. Carson renewed the motion to adjourn until to-morrow morning, 10 o'clock; which was agreed to. Ayes 38. Noes 18. The ayes and noes being demanded by Mr. Collins, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allen, Askew, Bailey, Brittain, Bullock, Carson, Cowper, Dishongh, Dobson, Faison, Gavin, Harrison, Hawkins, Hinton, Houston, Kerr, Lamb, Latham, Lindsay, Marshall, Martin, Massey, Mathews, Melvin, Moffitt, Montgomery, of O., Moore, Norman, Parham, Parker, Ray, Rhodes, Seawell, Simmons, Spencer, Toomer, Tyson, Wellborn.

Those who voted in the negative are, Messrs. Allison, Bell, Carter, Collins, Hall, Hogan, Hoke, Howell, Leak, Lilley, McDowell, Montgomery, of H., Morris, Moye, of G., Moye, of P., Stedman, Vanhook, Wilder.

And the Senate thereupon adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 25, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: "A bill to amend the Militia Laws; a bill to incorporate the Blakely Blues; and a bill to alter the time for the Sheriff to make his settlement with the court of pleas and quarter sessions of the county of Wilkes; in which they ask the concurrence of that House.

On motion of Mr. Toomer, ordered, that Luke R. Simmons, the senator from the county of Columbus, have leave of absence from the services of the Senate, from and after to-morrow, for the remainder of the session.

Mr. Askew moved that the Senate do now adjourn until to-morrow morning, 10 o'clock; which was not agreed to. Ayes 21. Noes 24. The ayes and noes being demanded by Mr. Hawkins, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Askew, Bullock, Carter, Dobson, Faison, Hinton, Hogan, Leak, Lindsay, Marshall, Martin, Moffitt, Montgomery, of H., Moore, Ray, Skinner, Stedman, Toomer, Tyson, Wilder, Williams.

Those who voted in the negative are, Messrs. Allison, Bell, Brittain, Cowper, Gavin, Harrison, Hawkins, Hoke, Houston, Howell, Kerr, Latham, McDowell, Massey, Melvin, Morris, Moye, of G., Moye, of P., Parham, Parker, Rhodes, Simmons, Spencer, Vanhook.

Mr. Carter thereupon renewed the motion to adjourn until to-morrow morning, 10 o'clock; which was carried. Ayes 27. Noes 24. The ayes and noes being demanded by Mr. Hawkins, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Askew, Brittain, Bullock, Carter, Collins, Faison, Hinton, Hogan, Lamb, Latham, Leak, Lindsay, Marshall, Martin, Massey, Mathews, Moffitt, Parham, Simmons, Skinner, Spencer, Stedman, Toomer, Tyson, Wilder, Williams, Wilson.

Those who voted in the negative are, Messrs. Allison, Bell, Cowper, Dishongh, Dobson, Gavin, Harrison, Hawkins, Hoke, Houston, Howell, Kerr, McDowell, Melvin, Montgomery, of H., Moore, Morris, Moye, of G., Moye, of P., Norman, Parker, Ray, Rhodes, Vanhook.

Whereupon the Senate adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, DECEMBER 26, 1832.

Mr. Gavin presented the resignations of Benjamin Hargrove and A. Monk, justices of the peace for the county of Sampson, which were read and accepted and sent to the House of Commons.

Mr. Leak, from the committee on internal improvement, to whom was

recommitted the memorial of sundry citizens of Martin and Bertie counties, praying an act of incorporation to make a Turnpike-road from Williamston to intersect the public road, leading from Spellar's Ferry to Windsor, together with the bill to incorporate the Williamston and Windsor Turnpike Company, reported the same with an amendment, which was read. Mr. Askew moved that the further consideration of the said bill and amendment be postponed indefinitely; which was not agreed to. The question then recurring on agreeing to the amendment, it was decided in the affirmative, and the bill, as amended, was read the second time and passed.

Received from the House of Commons a message, stating that Messrs. Blowe and Graves attend the Senate, to conduct the balloting on the part of that House for judge of the supreme court, heretofore agreed upon to take place this day; whereupon Messrs. Montgomery, of Orange, and Morris were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Martin, from the committee on claims, to whom was referred the resolution in favor of Samuel W. W. Vick, Sheriff of Nash county, reported the same without amendment, and recommended its passage; whereupon the said resolution was read the second and third times and passed, and ordered to be engrossed.

Mr. Montgomery, of Hertford, from the committee on propositions and grievances, to whom was preferred the resolution in favor of Charity Webb, of Wilkes county, made a favorable report thereon, accompanied by the following resolution, to wit:

Resolved That the Secretary of State be directed to issue to Charity Webb, of Wilkes county, a grant for ninety-one acres of land, agreeable to warrant No. 4303, and entered 17th day of November, 1831, warrant issued 20th day of May, 1832, and agreeable to a plan and certificate accompanying said warrant;

Which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Montgomery, of Hertford, from the same committee, to whom was referred the resolution in favor of Robert Stinson, of the county of Chatham, reported the same without amendment, and recommended its passage; whereupon the said resolution was read the second and third times and passed, and ordered to be engrossed.

Mr. Montgomery, of Orange, from the committee appointed to conduct the balloting for a judge of the supreme court, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

On motion of Mr. Leak, ordered, that a message be sent to the House of Commons, proposing another balloting immediately for a judge of the supreme court.

Mr. Montgomery, of Hertford, from the committee on propositions and grievances, to whom was referred the resolution in favor of Benjamin Kilby, of Wilkes county, made a favorable report thereon, accompanied by the following resolution, to wit:

Resolved, That the Treasurer be directed to refund to Benjamin Kilby, or his agent, James Wellborn, the sum of ten dollars and eighty-five cents, it being the sum overpaid by the said Benjamin Kilby, for thirty-three acres of land, for which he shall be credited on the settlement of his public accounts.

Which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Dobson, from the committee on propositions and grievances, to whom

was referred the bill to authorize the issuing of a grant for land to Amos Curtis and others, reported the same with an amendment, and recommended that it be passed into a law; whereupon the amendment was read and agreed to, and the bill as amended was read the second and third times and passed, and ordered to be engrossed.

Mr. Montgomery, of Hertford, from the committee on propositions and grievances, to whom was referred the petition of James Seawell, of the town of Fayetteville, praying to have refunded to him the amount of a judgment, interests and costs, rendered against him as one of the securities of Dillon Jordan, late an auctioneer of the town of Fayetteville, made an unfavorable report thereon, and recommending that the prayer of the petitioner be rejected, in which report the Senate concurred.

On motion of Mr. Montgomery, of Hertford, ordered, that the committee on propositions and grievances be discharged from any further services during the present session.

Mr. Leak presented the following resolution, to wit:

Resolved, by the Senate and House of Commons in General Assembly, That the commissioners appointed to contract for the rebuilding of the Capitol in this State, or a majority of them, be authorised to sell such part of the rubbish of the former building, as may not be necessary to be used in the new building;

Which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Spaight presented the following preamble and resolution, to wit:

Whereas, it appears from the President's Message, of the fourth of this month, to the Congress of the United States, that the public debt will probably be extinguished early in the year of our Lord one thousand eight hundred and thirty-three; and that there are now on hand, belonging to the United States, funds sufficient to pay the same: And whereas, in the said Message, he recommends to Congress a reduction of the Tariff to a plain and economical system of revenue; which recommendation we hope will be complied with by the present Congress: but should our just and reasonable hopes be disappointed, we still have every reason to believe, from the result of the elections for members of the next Congress of the United States, that the Tariff will be reduced to a revenue system, founded on Republican principles: And whereas, in the event of the present Congress failing to make the proper reduction of the Tariff, we have every reason to believe the President of the United States will convene the next as soon as practicable after the 4th day of March next; Therefore,

Resolved, That our sister State, South Carolina, be respectfully requested to suspend the operation and enforcement of any and every penal enactment, made or to be made, carrying into execution the Ordinance of her Convention, which may endanger the peace and harmony of these United States, until at least the first day of September next, to give time to the present or next Congress of the United States to act upon the subject of the Tariff;

Which was read the first time and passed, and, on motion of Mr. Cowper, ordered to be printed.

Mr. Cowper presented a bill, entitled, "a bill to amend an act, passed in 1830, entitled, an act to establish the town of Gatesville;" which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Lamb presented a bill, entitled "a bill to amend an act, passed in the year 1821, entitled, "an act to amend the several inspection laws of this State, so far as respects turpentine;" which was read the first time and passed.

Mr. Rhodes presented a bill, entitled, "a bill to incorporate the trustees of the Waynesborough Academy, in the county of Wayne;" which was read the first, second and third times and passed, and ordered to be engrossed.

The bill to incorporate the Pitt Troopers, was read the second time

Mr. Melvin moved to amend the bill, by striking out a part of the first section and inserting in lieu thereof a substitute; which was read and agreed to, and the bill as amended was read the second and third times and passed, and ordered to be engrossed.

The resolution, instructing the adjutant-general, was read the third time and passed, and ordered to be engrossed.

The bill to provide for the appointment of a brigade-major and for other purposes, was read the second time, and, on motion of Mr. Montgomery, of Orange, ordered to be postponed indefinitely.

The bill making compensation to the Secretary of State, for services required of him by an act of the General Assembly of 1827, chapter 23, and for other purposes, was read the second time, and, on motion of Mr. Carson, ordered to be referred to the committee on the judiciary.

Received from the House of Commons a message, stating that Messrs. Mangum, Daniel, Davidson, Outlaw and Long form the joint select committee on the part of that House on the communication from the Public Treasurer, enclosing the opinion of the State's Counsel in the suits against the sureties of the late Treasurer.

The bill compensating jurors of the original pannel in the county of Beaufort, was read the second and third times and passed, and ordered to be engrossed; and the bill to amend an act, entitled, "an act for the division of Rowan county, passed in the year 1822," was read the second time and passed.

The engrossed bill to prevent the felling of timber in, or otherwise obstructing the channel of either branch of the north-east branch of New River, in Onslow county; and the engrossed bill supplementary to an act, passed in 1830, entitled, "an act to enact with sundry alterations and additions, an act, entitled, an act to incorporate the Petersburg Rail-road Company, passed by the Legislature of Virginia, on the 10th day of February, 1830, were severally read the second and third times and passed, and ordered to be enrolled.

And the Senate then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, DECEMBER 27, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills and resolutions, to wit: "A bill to authorise the issuing of a grant for land to Amos Curtis and others; a bill to incorporate the Pitt Troopers and Bladen Cavalry; a bill compensating Jurors of the original pannel in Beaufort county; a bill to amend an act, passed in 1830, entitled, an act to establish the town of Gatesville; a bill to incorporate the trustees of the Waynesville Academy, in the county of Wayne; resolution in favor of Robert Stinson; resolution providing for the sale of the rubbish of the old Capitol; resolution in favor of Charity Webb, of Wilkes county; resolution in favor of Benjamin Kilby, of Wilkes county; resolution for the adjutant-general, and, a resolution in favor of Samuel W. W. Vick, Sheriff of Nash county;" in which they ask the concurrence of that House.

Mr. Martin, from the committee on claims, to whom was referred the resolution in favor of Daniel Harris, of Montgomery county, reported the same without amendment and recommended its passage; whereupon the said resolution was read the second and third times and passed, and ordered to be engrossed.

Mr. Montgomery, of Hertford, from the joint select committee, to whom was

referred the subject of making arrangements for the accommodation of the Governor for the ensuing year, made a detailed report thereon, accompanied by the following resolutions, to wit:

"Resolved, That the Treasurer, Secretary and Comptroller be appointed to examine the furniture of the Government House, and sell so much of the same as is unfit for use.

"Resolved, That the Governor appoint some suitable person to take care of the Government House and furniture, and that he receive for his services a proper compensation, to be allowed by the Governor by his order on the Treasurer;"

Which were read the first, second and third times and passed, and ordered to be engrossed.

On motion of Mr. Carter,

"Resolved, That the committee on the judiciary be instructed to examine into the legality of a claim made by the President and Directors of the State Bank, by which they have exacted interest of four per cent. on the reserved stock, not paid for, belonging to the State in said bank, and that they report by bill or otherwise.

"Resolved further, That they be instructed to inquire, by what authority the President and Directors of the Newbern and Cape Fear Banks pay the one per cent. due the State upon individual stock, out of the whole amount of the joint capital stock of said banks.

Received from the House of Commons a message, proposing that the two Houses ballot immediately for a judge of the supreme court; which proposition was agreed to, and Messrs. Hogan and Skianer were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message; whereupon a message was received from that House, stating that Messrs. Sumner and G. A. Thompson are appointed to conduct the balloting on their part.

Mr. Brittain presented a bill, entitled, "a bill to authorise the removal of buildings on the public lands, in the town of Franklin;" which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Dobson presented a bill, entitled, "a bill to amend an act, passed at the present session, entitled, an act to vest the right of electing clerks of the county and superior courts in the several counties within this State, in the free white men thereof;" which was read the first time and passed. Mr. Dobson moved that the twelfth rule of order be suspended, for the purpose of reading the bill a second and third time; which was agreed to; whereupon the said bill was read the second and third times and passed, and ordered to be engrossed.

Mr. Spaight presented a bill, entitled, "a bill to amend an act, passed in the year 1829, entitled, an act to provide for a division of negroes and other chattel property held in common;" which was read the first time and passed.

Mr. Hinton presented a bill, entitled, "a bill for the better organization of the militia of the county of Beaufort;" which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Howell presented a bill, entitled, "a bill to incorporate the Robeson Light Dragoons;" which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Melvin presented a bill, entitled, "a bill to abolish the office of Treasurer of Public Buildings, so far as relates to the county of Bladen, and for other purposes;" which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Tyson presented a bill, entitled, "a bill to appoint commissioners for the town of Carthage, in the county of Moore, and to incorporate the same;" which was read the first, second and third times and passed, and ordered to be engrossed.

On motion of Mr. Hinton, the Senate proceeded to take up and consider the bill to reduce the salary of the supreme court judges of North Carolina; and

the bill being read the second time, Mr. Bell moved that the further consideration thereof be postponed indefinitely; which was not agreed to. Ayes 23. Noes 33. The ayes and Noes being demanded by Mr. Bell, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allison, Askew, Bailey, Bateman, Bell, Brittain, Carson, Carter, Collins, Cowper, Dobson, Hawkins, Hogan, Leak, Lindsey, McDowell, Marshall, Montgomery, of H., Norman, Skinner, Spencer, Williams, Wilson.

Those who voted in the negative are, Messrs. Bullock, Dishongh, Faison, Gavin, Hall, Harrison, Hinton, Hoke, Houston, Howell, Hussey, Kerr, Lamb, Latham, Martin, Massey, Mathews, Melvin, Moffitt, Montgomery of O., Moore, Morris, Moye, of G., Moye, of P., Parham, Parker, Ray, Rhodes, Spaight, Tyson, Vanhook, Wellborn, Wilder.

Mr. Hogan moved to amend the bill, by adding the following as an additional section, to wit:

"Be it further enacted, That each member of the Legislature of 1832, shall receive per diem compensation of two dollars and no more."

Mr. Carson moved to amend the amendment, by inserting after the word "dollars," the words "and fifty cents;" which amendment was not agreed to. Ayes 8. Noes 46. The ayes and noes being demanded by Mr. Carson, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Bailey, Bateman, Carson, Collins, Hall, Leak, Norman, Rhodes.

Those who voted in the negative are, Messrs. Allison, Askew, Bell, Brittain, Bullock, Cowper, Dishongh, Faison, Gavin, Harrison, Hawkins, Hinton, Hogan, Hoke, Houston, Howell, Hussey, Kerr, Lamb, Latham, Lindsay, McDowell, Marshall, Martin, Massey, Mathews, Melvin, Moffitt, Montgomery, of H., Montgomery, of O., Moore, Morris, Moye, of G., Moye, of P., Parham, Parker, Ray, Skinner, Spaight, Spencer, Tyson, Vanhook, Wellborn, Wilder, Williams, Wilson.

Mr. Collins moved that the bill and amendment be referred to the committee on finance; which was not agreed to. Mr. Williams moved that the bill and amendments be laid upon the table; which was not agreed to. The question then recurring on agreeing to the amendment proposed by Mr. Hogan, it was decided in the negative. Ayes 6. Noes 48. The ayes and noes being demanded by Mr. Bell, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Bailey, Bell, Collins, Hogan, Lindsay, Montgomery, of H.

Those who voted in the negative are, Messrs. Allison, Askew, Bateman, Brittain, Bullock, Carson, Cowper, Dishongh, Faison, Gavin, Hall, Harrison, Hawkins, Hinton, Hoke, Houston, Howell, Hussey, Kerr, Lamb, Latham, Leak, McDowell, Marshall, Martin, Massey, Mathews, Melvin, Moffitt, Montgomery, of O., Moore, Morris, Moye, of G., Moye, of P., Norman, Parham, Parker, Ray, Rhodes, Skinner, Spaight, Spencer, Tyson, Vanhook, Wellborn, Wilder, Williams, Wilson.

The question then recurring on the passage of the bill the second time, it was decided in the affirmative. Ayes 35. Noes 19. The ayes and noes being demanded by Mr. Williams, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Bullock, Dishongh, Faison, Gavin, Hall, Harrison, Hawkins, Hinton, Hoke, Houston, Howell, Hussey, Kerr, Lamb, Latham, Leak, Marshall, Martin, Massey, Mathews, Melvin, Moffitt, Montgomery, of O., Moore, Morris, Moye, of G., Moye, of P., Parham, Parker, Ray, Rhodes, Spaight, Vanhook, Wellborn, Wilder.

Those who voted in the negative are, Messrs. Allison, Askew, Bailey, Bateman, Bell, Brittain, Carson, Collins, Cowper, Dobson, Hogan, Lindsay, McDowell, Montgomery, of H., Norman, Skinner, Spencer, Williams, Wilson.

Mr. Hogan, from the committee appointed to conduct the balloting for a judge of the supreme court, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

Mr. Bailey, in behalf of himself, as the minority of the joint select committee, on the part of the Senate, to whom was referred certain documents trans-

mitted by His Excellency the Governor of South Carolina to the Governor of this State, and by him communicated to the Legislature, presented a counter report to that made by the majority of the committee, to whom those documents were referred; which was read, and on motion of Mr. Montgomery, of Hertford, ordered to be laid upon the table, and that it be printed, one copy for each member of the Legislature.

On motion of Mr. Montgomery, of Hertford, the Senate resolved itself into a committee of the whole House, Mr. Spaight in the Chair, to take into consideration the resolutions reported by the joint select committee, to whom was referred the letter of the Governor of South Carolina to the Governor of this State, with its accompanying documents; and after some time spent therein, the Speaker resumed the Chair, and Mr. Spaight reported that the committee of the whole House had, according to order, had the said resolutions under consideration, and had made sundry amendments thereto, in which they had instructed him to ask the concurrence of the Senate.

Whereupon the said amendments were read and concurred in by the Senate, and the resolutions as amended were read the second time and passed. Ayes 47. Noes 7. The ayes and noes being demanded by Mr. Williams, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allison, Askew, Bell, Brittain, Bullock, Collins, Cowper, Dishough, Dobson, Gavin, Hall, Harrison, Hawkins, Hinton, Hogan, Hoke, Houston, Howell, Kerr, Lamb, Latham, Leak, Lindsay, Marshall, Martin, Massey, Melvin, Moffitt, Montgomery, of O., Moore, Morris, Moye, of G., Moye, of P., Norman, Parham, Parker, Ray, Rhodes, Seawell, Spaight, Spencer, Toomer, Tyson, Vanhook, Wilder, Williams, Wilson.

Those who voted in the negative are, Messrs. Bailey, Carson, Faison, McDowell, Mathews, Montgomery, of H., Wellborn.

On motion of Mr. Carson, ordered, that James McDowell, the senator from the county of Burke, have leave of absence from the services of the Senate from and after to-morrow for the remainder of the session.

On motion of Mr. Spaight, ordered, that Thomas Marshall, the senator from the county of Carteret, have leave of absence from the services of the Senate, from and after Sunday next for the remainder of the session.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed "resolution concerning the Government House," in which they ask the concurrence of that House.

And then the Senate adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DECEMBER 28, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills and resolutions, to wit: A bill to amend an act, passed the present session, entitled, "an act to vest the right of electing clerks of the superior and county courts in the several counties within this State, in the free white men thereof; a bill to authorise the removal of buildings on the public lands in the town of Franklin; a bill to abolish the office of Treasurer of public buildings, so far as relates to the county of Bladen and for other purposes; a bill to incorporate the Robeson Light Dragoons; a bill to appoint commissioners for the town of Carthage, in the county of Moore, and to incorporate the same; a resolution in favor of Daniel Harris;" in which they ask the concurrence of that House.

A message was received from the House of Commons, proposing to ballot again immediately for a judge of the supreme court, and stating that the names of Frederick Nash and Robert Strange are withdrawn from the nomination;

which proposition was agreed to, and Messrs. Marshall and Bailey were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message; whereupon a message was received, stating that Messrs. Burgin and Rand attend the Senate, to conduct the balloting on their part.

On motion of Mr. Martin, ordered, that the committee on claims be discharged from any further services during the present session.

Mr. Leak, from the committee on internal improvement to whom was referred the memorial of the Plymouth Turnpike Company, praying an enlargement of the States' subscription to the Stock of said Company, made an unfavorable report thereon, recommending that the prayer of the petitioners be rejected; in which report the Senate concurred.

Mr. Leak, from the same committee, to whom was referred the memorial of A. Joyner and others, praying an enlargement of their capital stock, for the purpose of building a bridge and erecting a turnpike-road, so as to intersect with the Petersburg-road, made an unfavorable report thereon, recommending that the prayer of the petitioners be rejected; in which report the Senate concurred.

Mr. Wilson, from the joint select committee, to whom was referred a communication from the Public Treasurer, inclosing a communication from the Counsel employed in behalf of the State, to prosecute actions against the securities of the late Public Treasurer, made a report thereon, accompanied by the following resolution, to wit:

"Resolved by the General Assembly of the State of North Carolina, That the Public Treasurer be authorised to make such disposition of the suits now pending against the sureties of the late Public Treasurer, as the Counsel employed on behalf of the State shall advise;"

Which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Rhodes presented a bill, entitled, "a bill to empower the Wayne county State Guards to form themselves into a squadron of Light or Horse Artillery, which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Howell presented a bill, entitled, "a bill to amend an act, passed in the year 1824, entitled, "an act for the better settlement of the finances of the county of Robeson;" which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Melvin presented a bill, entitled, "a bill appointing a commissioner on the part of the county of Bladen, to run and establish the line between said county and Columbus, and for other purposes;" which was read the first, second and third times and passed, and ordered to be engrossed.

On motion of Mr. Wellborn, the Senate proceeded to take up and consider the bill to erect a new county court out of a portion of the county of Buncombe, by the name of Yancey; and the bill being read the second time, Mr. Wellborn moved to amend the bill, by striking out the whole thereof except the words "A Bill," and insert in lieu thereof a substitute; which was read and agreed to; and, on motion of Mr. Wellborn, ordered, that the further consideration of the bill be postponed until to-morrow.

Mr. Bailey, from the committee appointed to conduct the balloting for a judge of the supreme court, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

Received from the House of Commons a message, proposing to ballot again immediately for a judge of the supreme court; which proposition was

agreed to, and Messrs. Collins and Leak were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message; whereupon a message was received from that House, stating that Messrs. Cansler and Sloan attend the Senate, to conduct the balloting on their part.

Mr. Brittain presented a bill, entitled, "a bill concerning the survey of lots in the town of Franklin;" which was read the first, second and third times; passed and ordered to be engrossed.

Received from the House of Commons a message, proposing that the two Houses adjourn without day, on Saturday the 5th January next, and that the clerks be directed to make out the estimates to that day inclusive. Mr. Houston moved that the message be laid upon the table; which was not agreed to. Ayes 16. Noes 43. The ayes and noes being demanded by Mr. Bell, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Askew, Brittain, Dishongh, Dobson, Hinton, Hogan, Houston, Lamb, Lilley, Martin, Mathews, Parker, Ray, Skinner, Spaight, Wellborn.

Those who voted in the negative are, Messrs. Allison, Bailey, Bateman, Bell, Boddie, Bullock, Carson, Carter, Collins, Cowper, Faison, Gavin, Hall, Harrison, Hawkins, Hoke, Howell, Hussey, Kerr, Latham, Leak, Lindsay, McDowell, Marshall, Massey, Melvin, Moffitt, Montgomery, of H., Montgomery, of O., Moore, Morris, Moye, of G., Moye, of P., Norman, Parham, Rhodes, Spencer, Stedman, Tyson, Vanhook, Wilder, Williams, Wilson.

Mr. Spaight moved to amend the proposition, by striking out the word "fifth," and inserting the word "first," which amendment was not agreed to. Ayes 20. Noes 39. The ayes and noes being demanded by Mr. Spaight, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Askew, Brittain, Bullock, Gavin, Hogan, Hussey, Kerr, Lamb, Martin, Mathews, Parker, Parham, Ray, Skinner, Spaight, Stedman, Tyson, Vanhook, Wellborn, Williams.

Those who voted in the negative are, Messrs. Allison, Bailey, Bateman, Bell, Boddie, Carson, Carter, Collins, Cowper, Dishongh, Dobson, Faison, Hall, Harrison, Hawkins, Hinton, Hoke, Houston, Howell, Latham, Leak, Lilley, Lindsay, McDowell, Marshall, Massey, Melvin, Moffitt, Montgomery, of H., Montgomery, of O., Moore, Morris, Moye, of G., Moye, of P., Norman, Rhodes, Spencer, Wilder, Wilson.

Mr. Askew moved that the further consideration of the proposition be postponed until Monday next; which was not agreed to. Ayes 18. Noes 40. The ayes and noes being demanded by Mr. Bell, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Askew, Brittain, Dishongh, Dobson, Gavin, Hinton, Hogan, Houston, Hussey, Lamb, Lilley, Martin, Mathews, Parker, Ray, Skinner, Spaight, Wellborn.

Those who voted in the negative are, Messrs. Allison, Bailey, Bateman, Bell, Boddie, Bullock, Carson, Carter, Collins, Cowper, Faison, Hall, Harrison, Hawkins, Hoke, Howell, Kerr, Latham, Leak, Lindsay, Marshall, Massey, Melvin, Moffitt, Montgomery, of H., Montgomery, of O., Moore, Morris, Moye, of G., Moye, of P., Norman, Parham, Rhodes, Spencer, Stedman, Tyson, Vanhook, Wilder, Williams, Wilson.

The question then recurring on agreeing to the proposition of the House of Commons, it was decided in the affirmative. Ayes 50. Noes 7. The ayes and noes being demanded by Mr. Bell, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allison, Askew, Bailey, Bateman, Bell, Boddie, Bullock, Carson, Carter, Collins, Cowper, Dishongh, Faison, Gavin, Hall, Harrison, Hawkins, Hogan, Hoke, Houston, Howell, Hussey, Kerr, Lamb, Latham, Leak, Lindsay, Marshall, Massey, Mathews, Melvin, Moffitt, Montgomery, of H., Montgomery, of O., Moore, Morris, Moye, of G., Moye, of P., Norman, Parker, Parham, Rhodes, Skinner, Spencer, Stedman, Tyson, Vanhook, Wilder, Williams, Wilson.

Those who voted in the negative are, Messrs. Brittain, Dobson, Hinton, Lilley, Martin, Ray, Spaight.

Mr. Leak, from the committee appointed to conduct the balloting for a judge of the supreme court, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

Received from the House of Commons a message, proposing another balloting immediately for a judge of the supreme court; which proposition was agreed to, and Messrs. Montgomery, of Hertford, and Williams were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message; whereupon a message was received from that House, stating that Messrs. Arrington and McMillan are appointed to conduct the balloting on the part of that House.

On motion of Mr. Spaight, the Senate proceeded to take up and consider the engrossed bill to amend an act, passed in the year 1824, entitled, "an act to amend an act, passed in the year 1819, entitled, an act to appoint a board of Branch Pilots to examine all persons who now have, or may hereafter wish to obtain, a Branch to pilot on Oeracock Bar and the Swashes; whereupon the bill was read the second time and passed.

Received from the House of Commons a message, stating that they have passed the engrossed bill, entitled, "a bill to authorise the commissioners of the town of Fayetteville to borrow two hundred thousand dollars, to be invested in Cape Fear and Yadkin Rail-road Company, and for other purposes;" in which they ask the concurrence of the Senate; whereupon the said bill was read the first time and passed.

The bill for the better regulation of the court of pleas and quarter sessions of Duplin county, was read the second and third times and passed and ordered to be engrossed; and the bill to amend an act, passed in the year of our Lord 1829, entitled, "an act to provide for a division of negroes and other chattel property held in common," was read the second time and passed.

Mr. Williams, from the committee appointed to conduct the balloting for a judge of the supreme court, reported that no person in nomination had received a majority of the votes, in which report the Senate concurred.

Received from the House of Commons a message, stating their concurrence in the proposition of the Senate, to raise a joint select committee, to examine the map of the State, published by John McRea, of Fayetteville; and to report upon the expediency of purchasing copies of the same, for distribution to each of the States and territories; and informing that Messrs. Skinner, Courts, Gary, Polk and Sherwood form the committee on the part of that House.

The resolution requesting the State of South Carolina to suspend the operation of the Ordinance of their Convention, was read the second time. Mr. Martin moved to amend the resolution, by striking out the following words, to wit: "Until at least the first day of September next;" which amendment was agreed to, and the resolution, as amended, was read the second time and passed.

Received from the House of Commons a message, proposing another balloting immediately for a judge of the supreme court; which proposition was agreed to, and Messrs. Wilson and Carter were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message; whereupon a message was received from that House, stating that Messrs. A. W. Wooten and Peeples attend the Senate, to conduct the balloting on their part.

The bill to reduce the salary of the supreme court judges of North Carolina, was read the third time and passed and ordered to be engrossed. Ayes 36. Noes 22. The ayes and noes being demanded by Mr. Dishongh, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Bullock, Cowper, Dishongh, Faison, Gavin, Hall, Harrison, Hawkins, Hinton, Hoke, Houston, Howell, Hussey, Kerr, Lamb, Latham, Leak, Marin, Massey, Mathews, Melvin, Moffitt, Montgomery, of O., Moore, Morris, Moye, of G., Moye, of P., Parham, Parker, Ray, Rhoades, Spraight, Tyson, Vanhook, Wellborn, Wilder.

Those who voted in the negative are, Messrs. Allison, Askew, Bailey, Bateman, Bell, Boddie, Brittain, Carson, Carter, Collins, Dobson, Hogan, Lilley, Lindsay, Marshall, Montgomery, of H., Norman, Skinner, Spencer, Stedman, Williams, Wilson.

Mr. Wilson, from the committee appointed to conduct the balloting for a judge of the supreme court, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

Mr. Hall moved that a message be sent to the House of Commons, proposing that another balloting be had immediately for judge of the supreme court; which was not agreed to.

The bill to incorporate the Williamston and Windsor Turnpike Company, was read the third time and passed and ordered to be engrossed; and the bill to alter the names of Catharine Dawson and Henry Dawson, of Wake county, was read the second and third times and passed, and ordered to be engrossed.

The engrossed bill to authorise the commissioners of the town of Fayetteville to borrow two hundred thousand dollars, to be invested in the Cape Fear and Yadkin Rail-road Company, and for other purposes, was read the second time. Mr. Montgomery, of Orange, moved to amend the bill, by adding the following proviso at the end thereof, to wit:

Provided, That any sum obtained by the said police, under any authority hereby given, shall be invested in the stock of the Cape Fear and Yadkin Rail Road Company, and shall be applied in no other way whatever;

Which amendment was agreed to; and the bill as amended was read the second and third times and passed, and a message sent to the House of Commons asking their concurrence in the amendment.

Mr. Seawell presented the following preamble and resolution, to wit:

Whereas it would add greatly to the security of the public buildings on Union Square, to have the engine belonging to the city of Raleigh placed in a convenient situation thereon:

Be it resolved, That the commissioners of the city of Raleigh be permitted to place their engine house on one of the outlines of Union Square, where it may be convenient in case of fire.

Which was read the first, second and third times and passed, and ordered to be engrossed.

The bill to emancipate Littlebury, a slave, the property of John D. Scott, was read the third time. Mr. Spraight moved to amend the bill, by adding the following proviso, to wit: "Provided the said Littlebury shall leave the State and never return to it again;" which amendment was not agreed to. The question then recurring on the passage of the bill the third time, it was decided in the affirmative, and the bill was ordered to be engrossed. Ayes 34. Noes 16. The ayes and noes being demanded by Mr. Hawkins, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Bell, Boddie, Brittain, Dishongh, Dobson, Gavin, Hinton, Hoke, Honston, Howell, Hussey, Kerr, Lamb, Latham, Lilley, Martin, Massey, Mathews, Melvin, Moffitt, Montgomery, of H., Montgomery, of O., Morris, Moye, of G., Moye, of P., Parham, Parker, Ray, Seawell, Stedman, Tyson, Vanhook, Wellborn, Wilder.

Those who voted in the negative are, Messrs. Allison, Bailey, Bullock, Carter, Collins, Cowper, Hall, Harrison, Hawkins, Marshall, Moore, Rhodes, Spraight, Spencer, Toomer, Wilson.

And the Senate then adjourned until to-morrow morning, 10 o'clock.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills and resolution, to wit: "A bill to reduce the salary of the supreme court judges of North Carolina; a bill to alter the names of Catharine Dawson and Henry Dawson, of Wake county; a bill for the better regulation of the court of pleas and quarter sessions of Duplin county; a bill for the better organization of the militia of the county of Beaufort; a bill to incorporate the Williamston and Windsor Turnpike Company; and a resolution for the Public Treasurer; in which they ask the concurrence of that House.

On motion of Mr. Vanhook, ordered, that a message be sent to the House of Commons, proposing to ballot immediately for cavalry officers of the 16th brigade, and stating that William Malone is in nomination for lieutenant-colonel and Joseph J. Thompson for major.

Mr. Moore presented the resignation of Josiah Flippen, a justice of the peace for the county of Stokes; which was read and accepted and sent to the House of Commons.

Mr. Hawkins, from the joint select committee on military affairs, to whom was referred the petition of a company of volunteers of light infantry, commanded by Captain Joseph R. Lloyd, in Edgecomb county, made an unfavorable report thereon, recommending that the prayer of the petitioner be rejected; in which report the Senate concurred; and, on motion of Mr. Hawkins, ordered, that the joint select committee on military affairs be discharged from further services during the present session.

Received from the House of Commons a message, proposing another balloting immediately for a judge of the supreme court, and stating that the name of George E. Badger is added to the nomination; which proposition was agreed to, and Messrs. Boddie and Allison were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message; whereupon a message was received from the House of Commons, stating that Messrs. Edmonston and McLeod are appointed to conduct the balloting on their part.

Mr. Leak, from the committee on internal improvement, to whom was referred so much of the Governor's message as relates to the maps, drafts, specifications, &c., and also so much of said message as relates to the dredging machine, levelling instruments, &c.; and also to whom was referred the report of the board of internal improvement, made a detailed report thereon, accompanied by a bill, entitled, a bill to amend an act, passed in the year 1831, entitled, an act to amend an act, passed in the year 1819, entitled, an act to create a fund for internal improvement, and to establish a board for the management thereof; which was read the first time and passed; also accompanied by the following resolution, to wit:

Resolved, That the Attorney General be directed to commence suit against such of the stockholders of the different navigation and turnpike companies in this State, who have withheld their proportionate dividends, for the purpose of recovering back their proportion of the money advanced; and that he report to the next Legislature; Which was read the first time and passed.

Mr. Houston presented a bill, entitled, "a bill to incorporate the Cabarrus artillery;" which was read the first time and passed, and on motion of Mr. Hawkins, ordered to be laid upon the table.

Mr. Hinton presented a bill, entitled, "a bill more effectually to preserve the purity of elections, and to protect the liberty of the citizens of this State;" which was read the first time, and resolved that the same shall not pass.

Mr. Brittain presented a bill, entitled, "a bill to incorporate the Macon county agricultural society;" which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Hawkins presented a bill, entitled, "a bill for the better regulation of volunteers;" which was read the first time and passed.

Mr. Massey presented a bill, entitled, "a bill to incorporate the Lafayette artillery and for other purposes;" which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Hussey presented a bill, entitled, "a bill to repeal an act, passed in the year 1831, chapter 101, entitled, an act to establish the dividing line between Duplin and Wayne counties;" which was read the first time, and resolved that the same shall not pass. Ayes 18. Noes 29. The ayes and noes being demanded by Mr. Hussey, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Brittain, Bullock, Dishongh, Dobson, Gavin, Harrison, Hinton, Hussey, Kerr, Lami, Melvin, Moore, Parham, Parker, Ray, Skinner, Vanhook, Wellborn.

Those who voted in the negative are, Messrs. Allison, Askew, Bailey, Bell, Boddie, Cowper, Hall, Hawkins, Houston, Latham, Lilley, Marshall, Martin, Massey, Mathews, Moffitt, Montgomery, of H., Moore, Moye, of G., Moye, of P., Norman, Rhodes, Seawell, Spaight, Spencer, Stedman, Tyson, Wilder, Williams.

Received from the House of Commons a message, agreeing to ballot immediately for cavalry officers of the 16th brigade, and stating that Messrs. Ury and Gillespie attend the Senate, to conduct the balloting on the part of that House; whereupon Messrs. Hoke and Howell were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

On motion of Mr. Wilson, ordered, that a message be sent to the House of Commons, proposing to ballot immediately for cavalry officers of the 5th brigade.

Mr. Boddie, from the committee appointed to conduct the balloting for a judge of the supreme court, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

Mr. Seawell presented a bill, entitled, "a bill to extend the provisions of an act, passed at the last session of the General Assembly, entitled, an act in addition to an act, passed at the last session of the General Assembly of this State, in relation to the burning of the records of the county of Hertford," to the county of Wake; which was read the first, second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, proposing to ballot again immediately for a judge of the supreme court; which proposition was agreed to, and Messrs. Hall and Montgomery, of Orange, were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message; whereupon a message was received from the House of Commons, stating that Messrs. Word and Harper attend the Senate, to conduct the balloting on the part of that House, and informing that the name of George E. Badger is withdrawn from the nomination.

Received from the House of Commons a message, agreeing to ballot immediately for cavalry officers of the 5th brigade; and stating that Messrs. Wiley and Doherty attend the Senate, to conduct the balloting on the part of that House; whereupon Messrs. Bell and Lindsay were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

The bill to amend an act, passed in the year 1821, entitled, an act to amend

the several inspection laws of this State, so far as respects turpentine, was read the second time and passed.

Received from the House of Commons a message, proposing that the two Houses ballot immediately for a superintendent of public works, and stating that James Wyche is in nomination for the appointment; which proposition was agreed to, and Messrs. Kerr and Stedman were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message; whereupon a message was received from that House, stating that Messrs. Simmons and Wadsworth are appointed to conduct the balloting on their part.

The Senate then proceeded to take up and consider the resolutions, declaring the attachment of the General Assembly of this State to the constitution of the United States, and denouncing the doctrine of Nullification; and the resolutions having been read the third time, Mr. Wilson moved to amend them, by inserting the following preamble and resolutions between the fifth and sixth resolutions, viz.

"And whereas, by the fifth article of the Constitution of the United States, it is provided, that on the application of two-thirds of the several States, Congress shall call a Convention for proposing amendments thereto;" and whereas, it is the opinion of this General Assembly, that the said Constitution needs several amendments, restraining and restricting the powers of Congress, and prescribing some tribunal to decide upon matters, wherein the said Constitution and the Constitutions and rights of the States may be brought into question.

Therefore Resolved, That this General Assembly does hereby make an application to the Congress of the United States, to call a Convention of the several States, to propose amendments to the Constitution of the United States.

Resolved further, That this General Assembly request, that the Legislatures of the several States will make to the Congress of the United States a similar application, that the Constitution of the United States may be so amended as to restore peace and harmony to the Confederacy, prevent a dissolution of the Union, and perpetuate the blessings of liberty to us and posterity;"

Which amendment was agreed to. Ayes 28. Noes 28; the Speaker voting in the affirmative. The ayes and noes being demanded by Mr. Martin, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Bailey, Bateman, Bell, Boddie, Bullock, Collins, Cowper, Faison, Gavin, Hall, Hawkins, Hogan, Kerr, Leak, Lilley, Lindsay, Mathews, Montgomery, of H., Moore, Morris, Rhodes, Spaight, Spencer, Stedman, Tyson, Wellborn, Williams, Wilson.

Those who voted in the negative are, Messrs. Allison, Askew, Brittain, Carson, Dishongh, Dobson, Harrison, Hinton, Hoke, Houston, Howell, Hussey, Lamb, Latham, Martin, Massey, Melvin, Moffitt, Montgomery, of G., Moyer, of G., Moyer, of P., Norman, Parham, Parker, Ray, Skinner, Vanhook, Wilder.

Mr. Hall moved further to amend the resolutions, by striking out the third resolution and inserting the following, to wit:

Resolved, That it is the deliberate opinion of this Legislature, that the present Tariff of duties, imposed by the Congress of the United States, is impolitic, unjust, oppressive and contrary to the spirit of the Constitution; that, in this opinion, we believe a very large majority of the people of this State concur; and that we have urged and will continue to urge its repeal;"

Which amendment was not agreed to. The question then recurring, on the passage of the resolutions the third time as amended, Mr. Montgomery, of Hertford, demanded a division of the question; it was therefore taken on the first resolution, which is as follows, to wit:

Resolved, That the General Assembly of the State of North Carolina doth entertain and doth unequivocally express a warm attachment to the constitution of the United States; And decided unanimously in the affirmative. Ayes 55. Noes 00. The ayes and noes being demanded by Mr. Carson, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allison, Askew, Bailey, Bateman, Boddie, Brittain, Bullock, Carson, Collins, Cowper, Dishongh, Dobson, Faison, Gavin, Hall, Harrison, Hawkins, Hinton, Hogan, Hoke, Houston, Howell, Hussey, Kerr, Lamb, Latham, Leak, Lilley, Lindsey, Martin, Massey, Mathews, Melvin, Moffitt, Montgomery, of H., Montgomery of O., Moore, Morris, Moye, of G., Moye, of P., Norman, Parham, Parker, Ray, Rhodes, Skinner, Spaight, Spencer, Stedman, Tyson, Vanhook, Wellborn, Wilder, Williams, Wilson.

The question then recurring, on the adoption of the second resolution, as follows, to wit:

Resolved, That the General Assembly doth solemnly declare a devoted attachment to the Federal Union, believing that on its continuance depend the liberty, the peace, and prosperity of these United States;

It was also decided unanimously in the affirmative. Ayes 58. Noes 00. The ayes and noes being demanded by Mr. Carson, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allison, Askew, Bailey, Bateman, Bell, Boddie, Brittain, Bullock, Carson, Collins, Cowper, Dishongh, Dobson, Faison, Gavin, Hall, Harrison, Hawkins, Hinton, Hogan, Hoke, Houston, Howell, Hussey, Kerr, Lamb, Latham, Leak, Lilley, Lindsay, Martin, Massey, Mathews, Melvin, Moffitt, Montgomery, of H., Montgomery, of O., Moore, Morris, Moye, of G., Moye, of P., Norman, Parham, Parker, Ray, Rhodes, Seawell, Skinner, Spaight, Spencer, Stedman, Toomer, Tyson, Vanhook, Wellborn, Wilder, Williams, Wilson.

The question then recurred on the passage of the third resolution, the third time, which is as follows, to wit:

Resolved, That whatever diversity of opinion may prevail in this State, as to the constitutionality of the acts of Congress imposing duties on imports for protection; yet it is believed a large majority of the people think those acts unconstitutional; and they are all united in the sentiment, that the existing Tariff is impolitic, unjust and oppressive; and they have urged, and will continue to urge its repeal;

And was decided in the affirmative. Ayes 51. Noes 3. The ayes and noes being demanded by Mr. Allison, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Askew, Bailey, Bell, Boddie, Brittain, Bullock, Carson, Collins, Cowper, Dobson, Faison, Gavin, Hall, Harrison, Hawkins, Hinton, Hogan, Hoke, Houston, Howell, Kerr, Latham, Leak, Lilley, Lindsay, Martin, Massey, Mathews, Melvin, Moffitt, Montgomery, of H., Montgomery, of O., Moore, Morris, Moye, of G., Moye, of P., Norman, Parham, Parker, Rhodes, Seawell, Skinner, Spaight, Spencer, Toomer, Tyson, Vanhook, Wellborn, Wilder, Williams, Wilson.

Those who voted in the negative are, Messrs. Hussey, Ray and Stedman.

The question then recurred on the passage of the fourth resolution the third time, which is as follows, to wit:

Resolved, That the doctrine of Nullification, avowed by the State of South Carolina, and lately promulgated in an ordinance, is revolutionary in its character, subversive of the constitution of the United States, and leads to a dissolution of the Union;

And was decided in the affirmative. Ayes 49. Noes 9. The ayes and noes being demanded by Mr. Allison, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allison, Askew, Bateman, Boddie, Brittain, Bullock, Collins, Cowper, Dishongh, Dobson, Gavin, Hall, Harrison, Hawkins, Hinton, Hogan, Hoke, Houston, Howell, Hussey, Kerr, Lamb, Latham, Leak, Lilley, Martin, Massey, Melvin, Moffitt, Montgomery, of O., Moore, Morris, Moye, of G., Moye, of P., Norman, Parham, Parker, Ray, Rhodes, Seawell, Skinner, Spaight, Spencer, Toomer, Tyson, Vanhook, Wilder, Williams, Wilson.

Those who voted in the negative are, Messrs. Bailey, Bell, Carson, Faison, Lindsay, Mathews, Montgomery, of H., Stedman, Wellborn.

The question then recurring on the passage of the fifth and sixth resolutions the third time, which are as follows, to wit:

Resolved, That this General Assembly does hereby make an application to the Congress of the United States, to call a Convention of the several States, to propose amendments to the Constitution of the United States.

Resolved further, That the General Assembly request, that the Legislatures of the several States will make to the Congress of the United States a similar application, that the Con-

stitution of the United States may be so amended, as to restore peace and harmony to the Confederacy, prevent a dissolution of the Union, and perpetuate the blessings of liberty to us and posterity;

It was decided in the negative Ayes 27. Noes 30. The ayes and noes being demanded by Mr. Martin, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Bateman, Bell, Boddie, Bullock, Collins, Cowper, Faison, Gavin, Hall, Hawkins, Hogan, Kerr, Leak, Lilley, Lindsay, Mathews, Montgomery, of H., Moore, Morris, Rhodes, Seawell, Spaight, Stedman, Tyson, Wellborn, Williams, Wilson.

Those who voted in the negative are, Messrs. Allison, Askew, Brittain, Carson, Dishongh, Dobson, Harrison, Hinton, Hoke, Houston, Howell, Hussey, Lamb, Latham, Martin, Massey, Melvin, Moffitt, Montgomery, of O., Moye, of G., Moye, of P., Norman, Parham, Parker, Ray, Skinner, Spencer, Toomer, Vanhook, Wilder.

The question then recurring on the passage of the seventh resolution the third time, as follows, to wit:

Resolved, That our Senators in Congress be instructed, and our Representatives be requested, to use all constitutional means in their power to procure an adjustment of the existing controversy between the State of South Carolina and the General Government, and to produce a reconciliation between the contending parties;

It was unanimously decided in the affirmative. Ayes 53. Noes 00. The ayes and noes being demanded by Mr. Wilson, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allison, Askew, Bailey, Bateman, Bell, Boddie, Brittain, Bullock, Carson, Collins, Cowper, Dishongh, Dobson, Faison, Gavin, Hall, Harrison, Hawkins, Hinton, Hogan, Hoke, Houston, Howell, Hussey, Kerr, Lamb, Latham, Leak, Lilley, Lindsay, Martin, Massey, Mathews, Melvin, Moffitt, Montgomery, of H., Montgomery, of O., Moore, Morris, Moye, of G., Moye, of P., Norman, Parham, Parker, Ray, Rhodes, Seawell, Skinner, Spaight, Spencer, Stedman, Toomer, Tyson, Vanhook, Wellborn, Wilder, Williams, Wilson.

The question then recurring on the passage of the eighth resolution the third time, as follows, to wit:

Resolved, further, That a copy of these resolutions be respectfully communicated by his Excellency the Governor of this State, to the President of the United States, the Governor of the several States, and to our Senators and Representatives in Congress;

It was unanimously decided in the affirmative; and the resolutions were ordered to be engrossed.

Mr. Montgomery, of Orange, from the committee appointed to conduct the balloting for a judge of the supreme court, reported that no person in nomination had received a majority of the votes, in which report the Senate concurred.

Mr. Kerr, from the committee appointed to conduct the balloting for a superintendent of Public Works, reported that James Wyche, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

Mr. Howell, from the committee appointed to conduct the balloting for Lieutenant-colonel and Major of Cavalry of the 16th Brigade, reported that William Malone, having received a majority of the whole number of votes, is duly elected Lieutenant-colonel; and that Joseph S. Thompson, having also received a majority of the whole number of votes, is duly elected Major; in which report the Senate concurred.

Mr. Bell, from the committee appointed to conduct the balloting for Cavalry officers of the 5th Brigade, reported that William H. Roberts, having received a majority of the whole number of votes, is duly elected Colonel-commandant; and that Mathew Calvert, having also received a majority of the whole number of votes, is duly elected Lieutenant-colonel; and that Roderick B. Gary, having also received a majority of the whole number of votes, is duly elected Major; in which report the Senate concurred.

On motion of Mr. Leak, ordered, that the committee on internal improvement be discharged from any further services during the present session.

Received from the House of Commons a message, stating that they have passed the following engrossed bills with amendments, to wit: "A bill authorising the county court of the county of Gates to have the records of said county transcribed, and to make copies of such transcribed records evidence in all suits at Law and Equity in this State; a bill to authorise the county court of Wake to lay a tax for building a substantial fire-proof Court House, or a substantial fire-proof Office, for the safe keeping of the Public Records of the county; a bill to restore Joshua Pinion, of Wilkes county, to credit; a bill to prevent the falling of timber in, or otherwise obstructing the run of Bear Creek and its branches, in the county of Lenoir and Wayne; and a bill to regulate the courts of pleas and quarter sessions of Davidson, Hyde and Onslow counties;" in which they ask the concurrence of the Senate; whereupon the said amendments were severally read and concurred in by the Senate, and the House of Commons was informed thereof by message.

And the Senate then adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 31, 1832.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills and resolutions, to wit: "A bill concerning the survey of lots in the town of Franklin; a bill to emancipate Littlebury, a slave, the property of John D. Scott; a bill to repeal in part an act, passed in the year 1827, chapter 88, entitled, an act appointing commissioners to run and establish the boundary line, between the counties of Bladen and Columbus; a bill to empower the Wayne county Guards to form themselves into a squadron of Light or Horse Artillery; a bill to extend the provisions of an act, passed at the last session of the General Assembly, entitled, an act in addition to an act, passed at the last session of the General Assembly of this State, in relation to the burning of the records of the county of Hertford, to the county of Wake; a bill to incorporate the Macon Agricultural Society; a bill to incorporate the Lafayette Artillery, and for other purposes; a bill to amend an act, passed in the year 1824, entitled, an act for the better settlement of the finances of the county of Robeson; resolutions declaring the attachment of the Legislature to the Constitution of the United States, &c.; and a resolution authorising the commissioners of the city of Raleigh, to place their Engine House on Union Square;" in which they ask the concurrence of that House.

Mr. Wilson, from the committee on finance, to whom was referred the resolution directing them to inquire whether the sum of six hundred dollars, appropriated by a resolution of the last General Assembly, for house rent. &c., for the use of the Governor of this State, has been expended; if so, for what and to whom paid; made a detailed report thereon; stating that the receipt of Governor Stokes' private Secretary is on file in the Comptroller's Office, for the sum of six hundred dollars, and that the said sum has been paid by the Treasurer, as directed by the resolution of the last General Assembly; but that there are vouchers on file only for the sum of two hundred and twenty-eight dollars; leaving a balance unaccounted for of three hundred and seventy-two dollars; and stating further, that Governor Stokes considered himself responsible for the said balance, or for so much thereof as he may not be able hereafter to procure vouchers for; and further stating, that, in the opinion of the committee, no further legislation is necessary on the subject; in which re-

port the Senate concurred; and, on motion of Mr. Boddie, ordered, that the said report be printed, one copy for each member of the Legislature.

Mr. Wilson, from the same committee, to whom was referred the resolution, instructing them to inquire into the expediency of repealing that section of the revenue act of 1822, which imposes a tax of two hundred dollars on exchange offices, &c., made a verbal report thereon; stating, that in the opinion of the committee, no legislation is necessary on the subject; in which report the Senate concurred.

Mr. Wilson, from the same committee, reported the following resolution, to wit:

Resolved, That the Comptroller credit William S. Mhoon, Esq., Public Treasurer, with the sum of two thousand one hundred and thirty-four dollars twenty-eight and a fourth cents, Treasury notes, counted and burnt since the 28th of November last;

Which was read the first, second and third times and passed, and ordered to be engrossed.

On motion of Mr. Wilson, ordered, that the committee on finance be discharged from any further services during the present session.

Mr. Mathews presented a bill, entitled, "a bill to extend the provisions of an act, passed at the last session of the General Assembly, entitled, an act to abolish the offices of county Trustee and Treasurer of Public Buildings, in the counties of Richmond, Columbus, Sampson and Robeson, to the county of Halifax; which was read the first time and passed, and being read the second time, Mr. Boddie moved to amend the bill, by extending its provisions to the county of Nash; Mr. Hinton moved further to amend the bill, by extending its provisions to the county of Beaufort; which amendments were agreed to, and the bill as amended, was read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, transmitting a message from His Excellency the Governor, communicating a letter from His Excellency Governor Wolf, of Pennsylvania, enclosing certain resolutions relative to the Union of the States and the Constitution of the United States, recently adopted by the Legislature of that State; and the said resolutions having been read, Mr. Wilson moved that they be laid upon the table; which was agreed to.

On motion of Mr. Hall, ordered, that a message be sent to the House of Commons, proposing to ballot again immediately for a judge of the supreme court.

Received from the House of Commons a message, proposing to ballot immediately for a Trustee of the University of North Carolina, and stating that Daniel M. Barringer and Benjamin Sumner are in nomination for the appointment. On motion of Mr. Hawkins, ordered, that the said message be laid upon the table.

Received also from the House of Commons a message, agreeing to ballot immediately for a judge of the supreme court; and stating that Messrs. Hammond and Irvine attend the Senate, to conduct the balloting on the part of that House; whereupon Messrs. Hogan and Mogre were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: "a bill to incorporate the Trustees of the Rolesville Academy, in the county of Wake; a bill to re-mark and renew the dividing line between Richmond and Robeson counties; a bill to incorpo-

rate the Northampton Troop of Cavalry; a bill concerning the hands working on roads, in the county of Burke; a bill to establish Haywood Academy, in Chatham county, and incorporate the Trustees thereof; a bill to incorporate Silver Run Academy, in the county of Cumberland, and, a bill to incorporate the Onslow Troopers, the Johnston Dragoons and the Lenoir Troopers;" in which they ask the concurrence of the Senate; whereupon the said bills were severally read the first, second and third times and passed, and ordered to be enrolled.

On motion of Mr. Spaight, ordered, that Daniel Sherwood have leave to withdraw from the files of the Senate, the petition and counter-petition of sundry citizens of the town of Wilmington, for and against repealing the law for appointing commissioners of Navigation and pilotage, presented at the last session of the General Assembly.

On motion of Mr. Lamb, ordered, that he have leave to withdraw from the files of the Senate, the petition of sundry citizens of the county of New Hanover, praying the erection of a new county, out of parts of the counties of New Hanover, Duplin and Sampson, presented at the last session.

Mr. Hogan, from the committee appointed to conduct the balloting for a judge of the supreme court, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred, and, on motion of Mr. Hogan, ordered, that a message be sent to the House of Commons, proposing another balloting immediately for that office, and, on motion of Mr. Bailey, the name of Henry Seawell was withdrawn from the nomination, and the House of Commons was informed thereof by message.

The bill to incorporate the Cabarrus Artillery was taken up, and, on motion of Mr. Hawkins, read the second and third times and passed, and ordered to be engrossed; and the bill for the better regulation of Volunteers, was read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, transmitting a message from His Excellency the Governor, communicating the report of the Treasurer of the University, with sundry accompanying documents, and accompanied by a proposition from that House, that the said reports and documents be printed; which proposition was agreed to by the Senate, and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, agreeing to ballot again immediately for a judge of the supreme court, and stating that Messrs. Abernathy and John B. Jones attend the Senate, to conduct the balloting on the part of that House; whereupon Messrs. Wilson and Leak were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

A message was also received from the House of Commons, stating that they have passed the following engrossed resolutions, to wit: "Resolution for the Treasurer and Attorney-general; resolution in favor of Jonathan Williams; in which they ask the concurrence of the Senate; whereupon the first mentioned resolution was read the first and second times and passed; and the last mentioned resolution was read the first, second and third times and passed, and ordered to be enrolled.

The resolution directing the Attorney-general to commence suits against such stockholders of the various Navigation and Turnpike Companies, as have withheld the payment of their proportion of the stock subscribed by them, was read the second time. Mr. Seawell moved to amend the resolution, by adding the following proviso, to wit: "Provided he entertains the belief

that a recovery can be effected;" which amendment was agreed to, and the resolution as amended was read the second and third times and passed, and ordered to be engrossed.

The bill to amend an act, passed in the year 1831, entitled, an act to amend an act, passed in 1819, entitled, an act to create a fund for internal improvement, and to establish a board for the management thereof, was read the second time. Mr. Wilder moved to amend the bill, by striking out the word "four," whereter it occurs, and insert in lieu thereof the word "three;" which amendment was agreed to. The question then recurring, on the passage of the bill the second time as amended, it was decided in the negative.

Mr. Wilson, from the committee appointed to conduct the balloting for a judge of the supreme court, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred; whereupon a message was received from the House of Commons, proposing another balloting be had immediately for that officer; which proposition was agreed to, and Messrs. Hawkins and Morris were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message. A message was thereupon received from that House, stating that Messrs. Dews and McNeil attend the Senate, to conduct the balloting on their part.

The resolution requesting the State of South Carolina to suspend the operation of the Ordinance of their Convention, &c., was read the third time. Mr. Spaight moved to amend the preamble to said resolution, by striking out the words "fourth of this month," and inserting in lieu thereof, the words "fourth day of December, 1832;" also to add the following as an additional resolution, to wit:

"Resolved further, That a copy of the foregoing resolutions be transmitted by the Governor of this State to the Governor of the State of South Carolina;"

Which amendments were agreed to. Mr. Seawell moved further to amend the resolution, by striking out the following words, to wit: "To give time to the present or next Congress of the United States to act upon the subject of the Tariff;" which amendment was also agreed to. The question then recurring, on the passage of the resolution the third time as amended, it was decided in the affirmative. Ayes 50. Noes 3. The ayes and noes being demanded by Mr. Carson; are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allison, Bell, Boddie, Brittain, Bullock, Carson, Carter, Collins, Cowper, Dobson, Faison, Gavin, Harrison, Hawkins, Hogan, Houston, Howell, Kerr, Lamb, Latham, Leak, Lilley, Lindsay, Martin, Massey, Mathews, Melvin, Moffitt, Montgomery, of H., Montgomery, of O., Moore, Morris, Moye, of G., Moye, of P., Norman, Parham, Parker, Ray, Rhodes, Seawell, Skinner, Spaight, Spencer, Stedman, Tyson, Vanhook, Wellborn, Wilder, Wilson.

Those who voted in the negative are, Messrs. Askew, Bailey and Hinton.

Ordered, that the said resolution be engrossed.

Mr. Hawkins, from the committee appointed to conduct the balloting for a judge of the supreme court, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred; whereupon, on motion of Mr. Collins, ordered, that a message be sent to the House of Commons, proposing another balloting immediately for that officer.

The bill to amend an act, passed in the year 1821, entitled, an act to amend the several inspection laws of this State, so far as respects Turpentine, was read the third time. Mr. Hinton moved to amend the bill, by adding the following at the end thereof, to wit: "And said inspectors shall denominate and brand all Turpentine as soft, which does not contain a mixture of more than

one third of clear scrape, provided it has been well mixed, and is otherwise in good condition; and nothing herein contained shall be construed, so as to change in any other respect the existing general laws of the State, in regard to inspection of Turpentine;" which amendment was not agreed to. Mr. Lamb moved to amend the bill, by inserting the following words after the word "Turpentine," in the fifth line of the first section, to wit: "in the town of Wilmington," and to make the title of the bill correspond thereto; which amendment was agreed to, and the bill as amended, was read the third time and passed, and ordered to be engrossed.

A message was received from the House of Commons, agreeing to ballot again immediately for a judge of the supreme court, and stating that Messrs. Gwyn and Dockery attend the Senate, to conduct the balloting on the part of that House; whereupon, Messrs. Collins and Skinner were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Boddie presented a bill, entitled, "a bill to empower the county court of Nash to borrow money, for the purpose of defraying the expense of building a fire-proof Court House;" which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Bailey presented a bill, entitled, "a bill to allow the taking of Depositions in cases of removal;" which was read the first time and passed.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: "A bill to incorporate an Academy on the lands of Martin R. Garrett, in the county of Nash, by the name of Stony Hill Academy; a bill to alter the line separating the North and South Regiments of the North Carolina Militia, in the county of Surry; a bill to amend an act, passed in the year 1821, entitled, an act to prevent fire hunting of fowl, in Carteret county; a bill for the relief of Brittain Jones, of Bertie county; and a bill to allow further time to open books for the purpose of receiving subscriptions for stock, in the Lake Drummond and Orapeak Canal Company;" in which they ask the concurrence of the Senate; whereupon the four first mentioned bills were severally read the first, second and third times and passed, and ordered to be enrolled; and the last mentioned bill was read the first time and passed; and being read the second time, Mr. Cowper moved to amend it, by striking out the figures "1833," in the thirteenth line of the first section, and inserting the figures "1834," which amendment was agreed to, and the bill as amended was read the second and third times and passed, and a message sent to the House of Commons asking their concurrence in the amendment.

The engrossed bill to amend an act, passed in the year 1824, entitled, "an act to amend an act, passed in the year 1819, entitled, an act to appoint a board of Branch Pilots, to examine all persons who now have, or may hereafter wish to obtain a Branch to Pilot on Ocracock Bar and the Swashes;" was read the third time. Mr. Spencer moved to amend the bill, by striking out of the last section the following words, to wit: "for more than six miles from Ocracock Bar," and inserting in lieu thereof the words, "unless he desires one;" which amendment was agreed to. Mr. Spencer moved further to amend the bill, by adding the following as an additional section, to wit:

"Be it further enacted, That Moses Austin, Thomas Austin, Caleb Stowe, Robert Slyron and Zachariah Burress be, and they are hereby appointed a Board of Commissioners of Pilots, for the county of Hyde, with the same powers, and shall perform the said duties in the county of Hyde, that the board appointed by the above section, for the county of Carteret, are by said section invested with, and required to perform;"

Which amendment was also agreed to, and the bill as amended, was read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

The bill to amend an act, passed in the year 1829, entitled, "an act to provide for a division of negroes and other chattel property held in common," was read the third time. Mr. Bell moved that the further consideration of the said bill be postponed indefinitely; which was not agreed to. The question then recurring on the passage of the bill the third time, it was decided in the affirmative. Ayes 30. Noes 19. The ayes and noes being demanded by Mr. Bell, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allison, Boddie, Brittain, Carson, Dobson, Gavin, Hall, Harrison, Hawkins, Hinton, Hogan, Hoke, Houston, Hussey, Kerr, Lamb, Lilley, Martin, Massey, Mathews, Moore, Morris, Moye, of G., Parham, Parker, Rhodes, Seawell, Spaight, Tyson, Vanhook.

Those who voted in the negative are, Messrs. Bell, Bullock, Cowper, Faison, Howell, Latham, Lindsey, Melvin, Moffitt, Montgomery, of H., Montgomery of O., Moye, of P., Norman, Ray, Spencer, Stedman, Wellborn, Wilder, Wilson.

Ordered that the said bill be engrossed.

Mr. Collins, from the committee appointed to conduct the balloting for a judge of the supreme court, reported that Joseph J. Daniel having received a majority of the whole number of votes is duly elected; in which report the Senate concurred.

And the Senate then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, JANUARY 1, 1833.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills and resolutions, to wit: "A bill for the better regulation of volunteers; a bill to amend an act, passed in the year 1829, entitled, an act to provide for a division of negroes and other chattel property held in common; a bill to extend the provisions of an act, passed at the last session of the General Assembly, entitled, an act to abolish the offices of county trustee and treasurer of public buildings, in the counties of Richmond, Columbus, Sampson and Robeson," to the counties of Halifax, Nash and Beaufort; a bill to amend an act, passed in the year 1821, entitled, an act to amend the several inspection laws of this State, so far as respects turpentine, in the town of Wilmington; a bill to incorporate the Cabarrus Artillery; resolutions requesting the State of South Carolina to suspend the operation of the Ordinance of her Convention, &c.; resolutions concerning the Public Treasurer; and a resolution for the Attorney-general;" in which they ask the concurrence of that House.

Mr. Vanhook presented a bill, entitled, "a bill to incorporate the Person Artillery;" which was read the first, second and third times and passed, and ordered to be engrossed.

Mr. Moore presented a bill, entitled, "a bill to establish the Barshavia Farmers' Academy, in the county of Stokes, and to appoint and incorporate the Trustees thereof;" which was read the first, second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that they have passed the following engrossed bills and resolutions, to wit: "A bill re-appointing commissioners for the town of Waynesville, in the county of Haywood; a bill to incorporate the Lafayette Hotel Company, in the town of Fayetteville; a bill to alter the time of holding one of the terms of the courts of pleas and quarter sessions, for the county of Buncombe;" a bill to incorporate the

Leaksville Toll-bridge Company, in the county of Rockingham; resolution in favor of Horace D. Bridges; and resolution in favor of the Militia of Onslow county; in which they ask the concurrence of the Senate; whereupon the said bills and resolutions were severally read the first, second and third times and passed, and ordered to enrolled, except the resolution in favor of the Militia of Onslow county, which was read the first time and passed.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled, "a bill to empower the county court of Nash to borrow money, for the purpose of defraying the expense of building a fire proof Court House;" in which they ask the concurrence of that House.

On motion of Mr. Leak, ordered, that a message be sent to the House of Commons, proposing to ballot immediately for a judge of the superior courts of Law and Equity, to supply the place of Joseph J. Daniel, who has been elected to the supreme court bench; whereupon, Mr. Moffitt nominated for that appointment John D. Eccles. On motion of Mr. Brittain, the name of Richmond M. Pearson was added to the nomination. On motion of Mr. Askew, the name of James S. Jones was also added to the nomination; and, on motion of Mr. Bullock, the name of Henry Seawell was also added to the nomination; and the House of Commons was informed thereof by message.

Mr. Carson presented the following preamble and resolution: to wit.

"Whereas, by a Convention on the part of Tennessee, North Carolina and South Carolina, held at Asheville, on the first Monday of September, 1832, it was then resolved, that a Rail-road be constructed, from the head of navigation upon the Holstein, in the State of Tennessee, along the valley of French Broad river, in North Carolina, to the head of navigation in South Carolina; and whereas, the President of the United States has ordered a survey of said route, and the States of Tennessee and South Carolina have respectively made appropriations to defray the expenses of said survey within their respective limits.

Be it therefore Resolved by the General Assembly of the State of North Carolina, That the sum of five hundred dollars be, and the same is hereby appropriated to the survey of said route, within the limits of this State.

Be it further Resolved, That the Governor of the State be, and he is hereby authorised to issue his warrants upon the Treasurer for the said sum, or so much thereof as he may deem necessary to the survey aforesaid: *Provided however,* this resolution shall not have effect until satisfactory evidence to the Governor, that similar appropriations have been made by the States of South Carolina and Tennessee;"

Which was read the first time and passed.

Mr. Seawell presented a bill, entitled, "a bill to continue for a longer term, the Neuse Navigation Company;" which was read the first, second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: "A bill to create one additional wreck district, in the county of Hyde, and for other purposes; a bill to amend an act, passed in the year 1827, entitled, an act to keep open the Tuckaseegee and Tennessee rivers, in Haywood county; a bill to establish Good Spring Grammar School, in the county of Stokes, and to incorporate the trustees thereof; in which they ask the concurrence of the Senate; whereupon the said bills were severally read the first, second and third times and passed, and ordered to be enrolled.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills, to wit "A bill to authorise Robert Henry to erect a mill on Hominy Creek, in Bancombe county; and a bill to emancipate Horace, a slave;" in which they ask the concurrence of the Senate; whereupon the first mentioned bill was read the first and second times and passed; and the last mentioned bill was read the first time and passed; and, being read

the second time, Mr. Lamb moved to amend the bill, by adding the following proviso, to wit:

Provided nevertheless: That said slave shall not be considered a freeman out of the county of Wake;

Which amendment was not agreed to. Mr. Collins moved to amend the bill, by adding the following proviso, to wit:

Provided said slave, so emancipated, shall remove out of the State of North Carolina within twelve months from the passage of this act;

Which amendment was not agreed to; and the bill was thereupon read the second and third times and passed, and ordered to be enrolled. Ayes 27. Noes 27; the Speaker voting in the affirmative. The ayes and noes being demanded by Mr. Collins, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Bell, Boddie, Brittain, Dobson, Gavin, Hinton, Howell, Kerr, Lilley, Martin, Massey, Melvin, Moffitt, Montgomery, of H., Montgomery, of O., Morris, Moye, of G., Norman, Parham, Parker, Ray, Seawell, Stedman, Toomer, Vanhook, Wellborn, Wilder.

Those who voted in the negative are, Messrs. Allison, Askew, Bailey, Bullock, Carson, Carter, Collins, Cowper, Dishough, Faison, Hall, Harrison, Hawkins, Hoke, Houston, Hussey, Lamb, Latham, Leak, Lindsay, Mathews, Moore, Moye, of P., Rhodes, Spaight, Williams, Wilson.

On motion of Mr. Collins, the Senate proceeded to take up and consider the "bill to erect a new county out of portions of the counties of Burke and Buncombe, a separate and distinct county, by the name of Yancey;" whereupon the bill was read the second time and passed; and, being read the third time, it was resolved that the same shall not pass. Ayes 25. Noes 29. The ayes and noes being demanded by Mr. Askew, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allison, Brittain, Carson, Carter, Dobson, Hogan, Hoke, Houston, Hussey, Kerr, Leak, Martin, Massey, Moffitt, Montgomery, of O., Moore, Morris, Parham, Parker, Ray, Seawell, Stedman, Toomer, Vanhook, Wellborn.

Those who voted in the negative are, Messrs. Askew, Bailey, Bell, Boddie, Bullock, Collins, Cowper, Dishough, Faison, Gavin, Hall, Harrison, Hawkins, Hinton, Howell, Latham, Lindsay, Mathews, Melvin, Montgomery, of H., Moye, of G., Moye, of P., Norman, Rhodes, Spaight, Spencer, Wilder, Williams, Wilson.

On motion of Mr. Wilson, the committee on the judiciary was discharged from the further consideration of the bill, making compensation to the Secretary of State for services required of him, by an act of the General Assembly of 1827, chapter 23, and for other purposes; and the bill was read the second time. Mr. Carson moved to amend the bill, by adding at the end thereof the following proviso, to wit: "Provided that the fees for copying shall in no case exceed five dollars;" which amendment was agreed to, and the bill as amended, was read the second and third times and passed, and ordered to be engrossed.

The bill to allow the taking of depositions in cases of removal, was read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: "A bill to amend an act, passed in the year 1826, entitled, an act to appoint commissioners for the town of Kingston, in Lenoir county; and a bill for altering the time of electing the county trustee for Orange county;" in which they ask the concurrence of the Senate; whereupon the said bills were severally read the first, second and third times and passed, and ordered to be enrolled.

On motion of Mr. Williams,

Resolved, That the committee on public buildings be directed to examine the roof of the Palace, and see if it needs any repairs, and report to this House."

On motion of Mr. Toomer, ordered, that Walter F. Leak, the senator from the county of Richmond, have leave of absence from and after to-morrow, for the remainder of the session.

And then the Senate adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, JANUARY 2, 1833.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: "A bill to continue for a longer time the Nause Navigation Company; a bill to incorporate the Person Artillery; a bill to establish the Barshavia Farmers' Academy, in the county of Stokes, and to appoint and incorporate the trustees thereof; a bill making compensation to the Secretary of State, for services required of him, by an act of the General Assembly of 1827, chapter 23, and for other purposes; and a bill to allow the taking of Depositions in cases of removal; in which they ask the concurrence of that House.

Received from the House of Commons a message, proposing to ballot immediately for a judge of the superior courts of Law and Equity, and stating that the name of Spencer O'Brien is added to the nomination; which proposition was agreed to, and Messrs. Carter and Bell were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message; whereupon a message was received from that House, stating that Messrs. C. Wooten and Irion attend the Senate, to conduct the balloting on their part.

Received from the House of Commons a message, proposing to ballot immediately for three trustees of the University of the State, and stating that the names of Daniel W. Courts, Charles L. Hinton and Hugh McQueen, are added to the nominations heretofore made; which proposition was agreed to; and Messrs. Lilley and Moore were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Mr. Wellborn, from the joint select committee on public buildings, reported the following resolution, to wit:

Resolved, That the Secretary, Comptroller and Treasurer be directed to employ some fit person to repair the roof of the Secretary's Office and Government House, to be paid on the completion of said work by the Treasurer, out of any money in the Treasury, for which he shall be allowed in the settlement of his public accounts;"

Which was read the first time and passed; and, being read the second time, Mr. Askew moved to amend the resolution, by striking out the words "Secretary's Office and," and to add at the end thereof the following, to wit:

"And that the Governor of the State be requested to inform Mr. Thomas Bragg, that it is necessary for him to complete the work on the office of the Secretary of State, agreeable to his contract;"

Which amendments were agreed to. Mr. Hawkins moved further to amend the resolution, by adding the following, to wit:

"*Resolved further*, That should the said Thomas Bragg refuse to perform said work, then, and in that event, the Secretary, Treasurer and Comptroller shall have said work completed, the expense thereof to be paid out of any money in the Treasury, not otherwise appropriated; and the Governor is hereby authorised to direct a suit to be instituted against said Thomas Bragg, for refusing to comply with the terms of his contract;"

Which amendment was also agreed to, and the resolution as amended was read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that Messrs. Baker and Smith attend the Senate, to conduct the balloting for trustees of the University, on the part of that House.

Mr. Bell, from the committee appointed to conduct the balloting for a judge

of the superior courts of Law and Equity, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

Mr. Mathews presented the following resolution, to wit:

"Resolved, That the Public Treasurer pay to each of the Door-keepers of both Houses, the sum of twenty-five dollars, their usual extra allowance, and they be compelled to pay out of the same, the hands necessarily employed by them to bring wood and water to the State House, during the present session;"

Which was read the first time and passed.

On motion of Mr. Wellborn, ordered, that a message be sent to the House of Commons, proposing another balloting immediately for a judge of the superior courts of Law and Equity.

Mr. Montgomery, of Orange, presented a bill, entitled, "a bill to establish the Bank of North Carolina;" which was read the first time and passed; and, on motion of Mr. Carter, ordered to be printed.

Mr. Spencer presented a bill, entitled, "a bill to repeal part of an act, passed in 1824, entitled, an act to authorize the courts of pleas and quarter sessions, of Hyde and Tyrrell counties, to issue licenses to retail spirituous liquors by the small measure, at or near the Court House;" which was read the first, second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, agreeing to ballot again immediately for a judge of the superior courts of Law and Equity, and stating that Messrs. Skinner and Gary attend the Senate, to conduct the balloting on the part of that House; whereupon Messrs. Montgomery, of Hertford and Moye, of Green, were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

A message was received from the House of Commons, stating their concurrence in the amendments proposed by the Senate, to the engrossed bill, entitled, "a bill to allow further time to open books, for the purpose of receiving subscriptions for stock, in the Lake Drummond and Orapeak Canal Company; also the engrossed bill, entitled, a bill to authorise the commissioners of the town of Fayetteville, to borrow two hundred thousand dollars, to be invested in the Cape Fear and Yadkin Rail-road Company and for other purposes;" whereupon the said bills were ordered to be enrolled.

Received also from the House of Commons a message, stating that they have passed the engrossed resolution for the Attorney-general, with an amendment; in which they ask the concurrence of the Senate; whereupon the said amendment was read and concurred in, and the House of Commons was informed thereof by message.

Mr. Montgomery, of Hertford, from the committee appointed to conduct the balloting for a judge of the superior courts of Law and Equity, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred.

Mr. Moore, from the committee appointed to conduct the balloting for three trustees of the University, reported that Daniel W. Courts, Daniel M. Barringer and Charles L. Hinton, having each received a majority of the whole number of votes, are duly elected; in which report the Senate concurred.

On motion of Mr. Mathews, ordered, that a message be sent to the House of Commons, proposing another balloting immediately for a judge of the superior courts of Law and Equity; and, on motion of Mr. Askew, the name of James S. Jones was withdrawn from the nomination, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that they have

passed the following engrossed bills, to wit: "A bill to amend an act, passed in the year 1829, entitled, an act to provide for the compensation of the jurors, of the counties of Beaufort, Onslow, Hyde, Anson and Duplin; a bill for the better regulation of the town of Statesville; a bill to repeal part of an act, passed A. D. 1830, entitled, an act to appoint commissioners to superintend the building of a Court House, in the county of Burke; and a bill to provide for the final settlement of Executors and Administrators, also the annual settlement of Guardians, in the county of Anson;" in which they ask the concurrence of the Senate; whereupon the three first mentioned bills were severally read the first, second and third times and passed, and ordered to be enrolled; and the last mentioned bill was read the first time and passed; and, being read the second time, Mr. Morris proposed sundry amendments thereto, which were read and agreed to; and the bill as amended, was read the second and third times and passed, and a message sent to the House of Commons, asking their concurrence in the amendments.

The engrossed resolution in favor of the Militia of Onslow county, was read the second time. Mr. Mathews moved to amend the resolution, by adding the following as an additional resolution, to wit:

"Resolved further, That the Board of Commissioners also examine the claims of the Halifax Militia, called out in the year 1831, in consequence of an insurrection of slaves in the adjoining county of Southampton, in the State of Virginia; and shall allow all such claims of said Militia, as shall be authenticated, in the manner prescribed in the preceding resolution, to be paid as therein directed;"

Which amendment was not agreed to. The question then recurring, on the passage of the resolution the second time, it was decided in the negative. Ayes 17. Noes 33. The ayes and noes being demanded by Mr. Skinner, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Askew, Collins, Dishongh, Gavin, Harrison, Hinton, Hogan, Hussey, Lamb, Lilley, Martin, Melvin, Moye, of G., Moye, of P., Spaight, Siedman, Toomer.

Those who voted in the negative are, Messrs. Allison, Boddie, Brittain, Bullock, Carson, Carter, Cowper, Faison, Hall, Hawkins, Hoke, Houston, Howell, Kerr, Latham, Massey, Mathews, Moffitt, Montgomery, of H., Montgomery, of O., Moore, Morris, Norman, Parham, Parker, Ray, Skinner, Spencer, Tyson, Vanhook, Wellborn, Wilder, Williams.

The bill to amend an act, passed at the last session of the General Assembly, entitled, an act to authorise the building of a Toll-bridge over Roanoke river, at the town of Weldon, and to incorporate a Company for that purpose; was read the second time and passed.

And the Senate then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, JANUARY 3, 1833.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills and resolutions, to wit: A bill to repeal part of an act, passed in 1824, entitled, an act to authorise the court of pleas and quarter sessions, of Hyde and Tyrrell counties, to issue licenses to retail spirituous liquors by the small measure, at or near their Court House; and resolutions authorising repairs of the Secretary's Office and Government House; in which they ask the concurrence of that House.

On motion of Mr. Carter, ordered, that a message be sent to the House of Commons, stating that the name of Richmond M. Pearson is withdrawn from the nomination for judge of the superior courts of Law and Equity.

Received from the House of Commons a message, proposing to ballot immediately for a judge of the superior courts of Law and Equity, and stating

that the name of Richmond M. Pearson is withdrawn, and that of Gavin Hogg added to the nomination; which proposition was agreed to, and Messrs. Kerr and Howell were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message; whereupon a message was received from that House, stating that Messrs. L. Thompson and Cunningham attend the Senate to conduct the balloting on their part.

A message was also received from the House of Commons, stating that they have passed the following engrossed bills, to wit: "a bill in relation to the independent or volunteer companies, attached to the second regiment of the Stokes county militia; a bill for the better regulation of hands working on public roads in the counties of Anson and Cumberland; a bill to abolish the offices of county trustee and treasurer of public buildings in the county of Chatham; a bill to establish a town on the lands of John D. Amis in the county of Northampton, at the termination of the Petersburg Rail Road on the Roanoke river;" in which they ask the concurrence of the Senate; whereupon the three first mentioned bills were severally read the first, second and third times and passed, and ordered to be enrolled, and the last mentioned bill was read the first time and passed, and, on motion of Mr. Mathews, ordered to be laid upon the table.

Received also from the House of Commons a message, stating that they have passed the engrossed bill "fixing a uniform time of holding the elections in the third congressional district of North Carolina, in all the counties therein," with sundry amendments; in which they ask the concurrence of the Senate; whereupon the said amendments were read and concurred in by the Senate, and the House of Commons was informed thereof by message.

A message was also received from the House of Commons, stating that they have rejected the engrossed bill, entitled "a bill to establish the Bank of North Carolina.

Received from the House of Commons the following resignations, to wit: the resignation of John McCollum, colonel commandant of the 54th regiment of North Carolina militia; the resignation of Mark Coleman, a justice for the county of Macon; the resignation of Thomas Dawson, a justice of the peace for the county of Lenoir; endorsed in that House "read and accepted," and which were read and accepted by the Senate,

Received also from the House of Commons a communication from His Excellency the Governor, enclosing the resignation of the Hon. Joseph J. Daniel, one of the judges of the superior courts of Law and Equity for this State, endorsed in that House, "read and accepted," and which was read and accepted by the Senate.

Mr. Kerr, from the committee appointed to conduct the balloting for a judge of the Superior Courts of Law and Equity, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred; whereupon, on motion of Mr. Wilson, ordered that a message be sent to the House of Commons, proposing another balloting immediately for that officer; and, on motion of Mr. Norman, the name of Spencer O'Brien was withdrawn from the nomination, and the House of Commons was informed thereof by message; whereupon a message was received from that House, agreeing to the proposition of the Senate, and stating that Messrs. Polk and Laspeyre attend the Senate, to conduct the balloting on their part. Messrs. Wilson and Askew were thereupon appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

Received from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: "A bill to authorize the making of a Turnpike-road, in Haywood county, and to incorporate a company for that purpose; a bill to incorporate the North Carolina Historical Society; a bill to incorporate the Donaldson Academy and Manual Labor School, in the town of Fayetteville; a bill to amend the laws relative to the county courts of Iredell; a bill to fix the time of granting orders for altering or turning roads, and for laying off new ones, in the county of Richmond; a bill to alter the time of holding the election, in the town and borough of Salisbury; a bill to incorporate the town of Rutherfordton, in the county of Rutherford;" in which they ask the concurrence of the Senate; whereupon the said bills were severally read the first, second and third times and passed, and ordered to be enrolled.

Mr. Wilson, from the committee appointed to conduct the balloting for a judge of the superior courts of Law and Equity, reported that no person in nomination had received a majority of the votes; in which report the Senate concurred; whereupon, on motion of Mr. Wilson, ordered, that a message be sent to the House of Commons, proposing another balloting immediately for that officer.

A message was received from the House of Commons, stating that they have passed the following engrossed bills, to wit: "A bill concerning the working of public roads, in the county of Iredell; and a bill to authorize certain persons hereafter named, to raise by way of Lottery two thousand dollars, to build a bridge across Neuse river, at John Carter's landing, in the county of Lenoir, and for other purposes;" in which they ask the concurrence of the Senate; whereupon the first mentioned bill was read the first time and passed; and the last mentioned bill was read the first, second and third times and passed, and ordered to be enrolled. Ayes 26. Noes 19. The ayes and noes being demanded by Mr. Morris, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allison, Bailey, Bateman, Collins, Cowper, Dobson, Harrison, Hogan, Hoke, Howell, Hussey, Lilely, Mathews, Montgomery, of O., Moore, Moye, of G., Ray, Rhodes, Seawell, Spaight, Spencer, Stedman, Toomer, Tyson, Vanhook, Wellborn.

Those who voted in the negative are, Messrs. Bell, Boddie, Bullock, Carson, Faison, Gavin, Hinton, Houston, Lamb, Latham, Massey, Melvin, Moffitt, Montgomery, of H., Morris, Moye, of P., Normaa, Parker, Williams.

Received also from the House of Commons a message, stating that they do not concur in the amendments proposed by the Senate to the engrossed bill, entitled, "a bill to amend an act, passed in the year 1824, entitled, an act to amend an act, passed in the year 1819, entitled, an act to appoint a Board of Branch Pilots, to examine all persons who now have, or may hereafter wish to obtain, a Branch to pilot on Ocracock Bar and the Swashes. Mr. Williams thereupon moved, that the Senate recede from their proposed amendments to the said bill; which was not agreed to. Mr. Williams then moved that the bill be laid upon the table; which was not agreed to; and, on motion of Mr. Mathews, ordered, that a message be sent to the House of Commons, stating that the Senate adhere to their proposed amendments to the said bill.

The resolutions making an appropriation for the survey of a route for a Rail-road, in the western part of the State, were read the second time. Mr. Carson moved to amend the resolutions, by striking out the word "five," in the third line of the first resolution and inserting the word "three;" which amendment was agreed to, and the resolutions as amended, were read the second and third times and passed, and ordered to be engrossed. Ayes 24.

Noes 23. The ayes and noes being demanded by Mr. Moye, of Greene, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allison, Bateman, Brittain, Carson, Carter, Dobson, Faison, Hawkins, Hinton, Hogan, Hoke, Houston, Lilley, Massey, Mathews, Montgomery, of H., Montgomery, of O., Moore, Morris, Parham, Spencer, Toomer, Tyson, Wellborn.

Those who voted in the negative are, Messrs. Askew, Bell, Boddie, Bullock, Cowper, Gavin Hall, Harrison, Howell, Hussey, Latham, Lindsay, Melvin, Moffit, Moye, of G., Moye, of P., Parker, Ray, Spaight, Vanhook, Wilder, Williams, Wilson.

A motion was made by Mr. Allison to reconsider the vote taken on this day, on the passage of the engrossed bill, "to amend the laws relative to the county courts of Iredell;" and, on the question, will the Senate reconsider the said vote? it was decided in the affirmative; and the bill being read the third time, Mr. Allison moved to amend the bill, by inserting after the word "Iredell," in the fourth line, the following words, to wit: "At their May Term in each and every year;" which amendment was agreed to; and the bill as amended, was read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

The bill to amend an act, entitled, an act for the division of Rowan county, passed in the year 1822, was read the third time. Mr. Carter moved that the further consideration of the bill be postponed indefinitely, which was not agreed to. The question then recurring, on the passage of the bill the third time, it was decided in the negative.

The resolution in favor of the Door-keepers, was read the second and third times and passed, and ordered to be engrossed.

The resolutions disapproving the doctrine of Nullification and the policy of a Southern Convention, and the resolutions on the subject of Nullification and the Tariff, were, on motion of Mr. Wilson, ordered to be laid upon the table.

The bill to establish the Bank of North Carolina was read the second time. Mr. Collins moved that the further consideration thereof be postponed indefinitely. Mr. Hall moved that the bill be laid upon the table; which motion having precedence, the question thereon was first put and decided in the negative. The question then recurring, on Mr. Collins' motion to postpone the consideration of the bill indefinitely, it was also decided in the negative. Ayes 20. Noes 31. The ayes and noes being demanded by Mr. Collins, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Askew, Bailey, Boddie, Bullock, Carson, Collins, Faison, Hawkins, Latham, Lindsay, Melvin, Montgomery, of H., Moye, of G., Moye, of P., Ray, Rhodes, Spaight, Toomer, Wilder, Williams.

Those who voted in the negative are, Messrs. Allison, Bell, Brittain, Carter, Cowper, Dishongh, Dobson, Gavin, Hall, Hinton, Hoke, Houston, Howell, Hussey, Kerr, Lamb, Lilley, Martin, Mathews, Moffitt, Montgomery, of O., Moore, Morris, Parham, Parker, Spencer, Stedman, Tyson, Vanhook, Wellborn, Wilson.

Mr. Martin then moved that the further consideration of the said bill be postponed until to-morrow; which motion was agreed to.

On motion of Mr. Toomer, ordered, that Joseph McD. Carson, the senator from the county of Rutherford, have leave of absence from the services of the Senate, from and after to-morrow, for the remainder of the session.

The bill to amend an act, passed at the last session of the General Assembly, entitled, an act to authorise the building of a Toll-bridge over Roanoke river, at the town of Weldon, and to incorporate a Company for that purpose, was read the third time. Mr. Faison moved that the further consideration of the said bill be postponed indefinitely; which was not agreed to. Mr. Faison

then moved to amend the bill, by adding the following at the end of the third section, to wit:

And they shall be entitled to demand and receive a sum not exceeding fifteen per centum per annum on the capital stock expended in making and completing said rail road and bridge (for transporting produce or other commodities thereon as compensation or toll for transporting produce or other commodities on said rail road and bridge until the nett profits received shall amount to a sum equal to the capital stock expended with six per centum per annum interest thereon from the time the money was advanced by the stockholders until received back in the nett profits) but when the nett profits received as aforesaid from the tolls aforesaid shall have amounted to a sum equal to the capital stock expended as aforesaid, with six per centum per annum interest thereon as aforesaid, then the tolls which the said president and directors shall be entitled to demand and receive for the transportation of produce or other commodities on the said rail road and bridge shall be fixed and regulated from time to time by this Legislature, so as to make them sufficient in their estimate to yield a net profit equal to six per centum per annum on the capital stock expended in making and completing the said rail road and bridge, over and above what may be necessary for the repairs and renewal of the same; and the president and directors of the said company shall annually report to this Legislature a statement showing the whole amount of capital stock expended in the construction of said rail road and bridge, the amount of tolls received during such year, the expences and charges incurred during each, and the nett annual profit or loss on the capital expended.

Which amendment was not agreed to. Mr. Faison further moved to amend the bill, by adding the following at the end of the fifth section, to wit:

"After the said Rail-road and Bridge shall be completed and put in operation, if the said President and Directors shall, by reason of the said rail-road and bridge being out of repair, or from any other cause, fail or neglect to transport any produce or other commodities, which shall be deposited convenient to said rail-road and bridge, and which the said President and Directors shall be required to transport as aforesaid, the toll for the transportation being tendered, as a penalty for such failure or neglect, the Company shall be liable to the action of the party injured by such failure or neglect; and if any toll-gatherer, at any toll-gate to be erected by authority of this act, shall ask, demand or receive any other or greater tolls than are herein allowed, he shall forfeit and pay to the party aggrieved two dollars for every such offence, recoverable with costs by warrant before any justice of the peace; and if such toll-gatherer, being at the time of incurring such penalty in the service of the Company, shall be unable to pay the judgment thereupon recovered against him, the said Company shall be liable for the same;"

Which amendment was agreed to. The question then recurring, on the passage of the bill the third time, it was decided in the affirmative, and the bill was ordered to be engrossed.

On motion of Mr. Carson, ordered, that Josiah Collins, junior, the senator from the county of Washington, have leave of absence from the services of the Senate, from and after to-morrow, for the remainder of the session.

And the Senate then adjourned until to-morrow morning, 10 o'clock.

FRIDAY, JANUARY 4, 1833.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bill and resolutions, to wit: "A bill to amend an act, passed at the last session of the General Assembly, entitled, an act to authorise the building of a Toll-bridge over Roanoke river, at the town of Weldon, and to incorporate a company for that purpose;" "Resolutions making an appropriation for the survey of a route for a Rail-road; and a resolution in favor of the Door-keepers;" in which they ask the concurrence of that House.

Received from the House of Commons a message, agreeing to the proposition of the Senate of yesterday, to ballot again for a judge of the superior courts of Law and Equity, and stating that the name of John D. Eccles is withdrawn from the nomination, and informing that Messrs. Hinton and Park attend the

Senate, to conduct the balloting on the part of that House; whereupon Messrs. Allison and Ray were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by message.

On motion of Mr. Spaight, ordered, that Archibald G. Carter, the senator from the county of Rowan, have leave of absence from and after this day for the remainder of the session.

Mr. Williams, from the committee on Education and the Literary Fund, to whom was referred the resolution instructing them to inquire into the expediency of establishing by law a Central School, in the State of North Carolina, for the purpose of educating and preparing instructors of elementary schools for their profession, reported, that in the opinion of the committee, the state of the Literary Fund at present would not justify the establishment of such Schools at the present time, and asking to be discharged from the further consideration of the subject; in which report the Senate concurred, and the committee was discharged accordingly.

Mr. Williams, from the select committee, to whom was referred the several memorials from various sections of the State, praying for the location of Bank Capital, at the various places therein mentioned, made a report thereon; stating that, in the opinion of the committee, it is impracticable to carry the prayer of the memorialists into effect at this time, and asking to be discharged from the further consideration of the subject; in which report the Senate concurred, and the committee was discharged accordingly.

A motion was made by Mr. Hoke to re-consider the vote taken yesterday, on the third reading of the resolutions, making an appropriation for the survey of a route for a Rail-road; and, on the question, will the Senate re-consider the said vote? it was decided in the affirmative, and the resolutions were thereupon read the third time, and resolved that the same shall not pass. Ayes 7. Noes 34. The ayes and noes being demanded by Mr. Hall, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Bailey, Carson, Faison, Mathews, Montgomery, of H., Toomer, Tyson.

Those who voted in the negative are, Messrs. Askew, Bell, Boddie, Bullock, Cowper, Gavin, Hall, Hawkins, Hinton, Hoke, Houston, Howell, Hussey, Kerr, Lamb, Latham, Lilley, Martin, Massey, Melvin, Moffitt, Montgomery, of O., Moore, Moye, of G., Moye, of P., Norman, Parham, Parker, Skinner, Spaight, Spencer, Vanhook, Wellborn, Wilder.

Mr. Allison, from the committee appointed to conduct the balloting for a judge of the superior courts of Law and Equity, reported that Henry Seawell, having received a majority of the whole number of the votes, is duly elected; in which report the Senate concurred.

The engrossed bill to authorise Robert Henry to erect a Mill on Hominy creek, in Buncombe county; and the engrossed bill to establish a town on the lands of John D. Amis, in the county of Northampton, at the termination of the Petersburg Rail-road, on the Roanoke river, were read the second and third times and passed, and ordered to be enrolled.

Received from the House of Commons a message, proposing to rescind the resolution, adopted by both Houses during the past week, agreeing to adjourn this session of the General Assembly, on Saturday the 5th instant; which proposition was agreed to. Ayes 29. Noes 21. The ayes and noes being demanded by Mr. Lindsay, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Brittain, Cowper, Dishongh, Dobson, Gavin, Hall, Harrison, Hawkins, Hinton, Houston, Howell, Hussey, Kerr, Lamb, Latham, Lilley, Massey, Mathews, Melvin, Moffitt, Montgomery, of O., Moore, Morris, Norman, Parham, Parker, Stedman, Tyson, Wellborn.

Those who voted in the negative are, Messrs. Allison, Bailey, Bell, Boddie, Bullock, Faison, Hogan, Hoke, Lindsay, Martin, Moye, of G., Moye, of P., Rhodes, Seawell, Spaight, Spencer, Toomer, Vanhook, Wilder, Williams, Wilson.

On motion of Mr. Martin, the Senate proceeded to take up and consider the bill to establish the Bank of North Carolina. Mr. Spaight moved that the Senate do now resolve itself into a committee of the whole House on the said bill. Mr. Carson moved that the bill be laid upon the table; which motion having precedence, the question thereon was first taken and decided in the negative. Ayes 22. Noes 27. The ayes and noes being demanded by Mr. Wellborn, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allison, Askew, Bailey, Boddie, Bullock, Carson, Faison, Hawkins, Howell, Latham, Lindsay, Melvin, Montgomery, of H., Moye, of G., Moye, of P., Ray, Rhodes, Spaight, Spencer, Toomer, Wilder, Wilson.

Those who voted in the negative are, Messrs. Bell, Brittain, Cowper, Gavin, Hall, Harrison, Hinton, Hogan, Hoke, Houston, Hussey, Lilley, Martin, Massey, Mathews, Mcfitt, Montgomery, of O., Moore, Morris, Norman, Parham, Parker, Skinner, Siedman, Tyson, Vanhook, Wellborn.

The question then recurring, on the motion of Mr. Spaight, it was decided in the affirmative; whereupon the Senate resolved itself into a committee of the whole House, Mr. Williams in the Chair, to take into consideration the said bill, and after some time spent therein, the Speaker resumed the Chair, and Mr. Williams reported, that the committee of the whole House had, according to order, had the said bill under consideration, and had made sundry amendments thereto, and had instructed him to report the same to the Senate, and ask their concurrence in the amendments; whereupon the said amendments were read and concurred in, and the bill as amended was read the second time. Mr. Allison moved further to amend the bill, by striking out the words "five hundred thousand," in the first section; which amendment was not agreed to. Mr. Allison moved further to amend the bill, by adding the following as an additional section, to wit:

"Be it further enacted, That any President, Director, Cashier or other Officer of this Bank, knowingly violating the Charter, or any of the provisions of this act, shall be deemed and held to have committed a misdemeanor, and shall upon conviction, be fined and imprisoned at the discretion of the court, or receive such corporeal punishment as the court may direct.

"Be it further enacted. That any President, Director, Cashier or other Officer of the Bank defrauding or cheating the Bank, shall be deemed and held guilty of a felony; and, upon conviction, shall suffer the punishment prescribed for said crime.

"Be it further enacted, That any President, Director, Cashier or other Officer of the Bank embezzling, purloining or stealing any of the funds or effects of said bank, shall be deemed and held guilty of felony, without benefit of Clergy, and upon conviction shall suffer death;"

Which amendment was agreed to. The question then recurring, on the passage of the bill the second time as amended, it was decided in the affirmative.

On motion of Mr. Wilson, ordered, that Daniel N. Bateman, the senator from the county of Tyrell, have leave of absence from the services of the Senate, from and after Monday next for the remainder of the session.

Received from the House of Commons a message, stating that they have passed the engrossed resolutions, declaring the attachment of the Legislature to the Constitution of the United States, with sundry amendments; in which they ask the concurrence of the Senate; whereupon the said amendments were read and concurred in by the Senate, and the House of Commons was informed thereof by message.

A message was also received from the House of Commons, stating that they have passed the engrossed bill to regulate the court of pleas and quarter sessions of the county of Washington, with an amendment; in which they ask the

concurrence of the Senate; whereupon the said amendment was read and concurred in, and a message was sent to the House of Commons informing them thereof.

Received also from the House of Commons a message, stating their concurrence in the amendments proposed by the Senate to the engrossed "bill to provide for the final settlement of Executors and Administrators, also the annual settlement of Guardians, in the county of Anson." Ordered, that the said bill be enrolled.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: "A bill to extend the provisions of an act, passed in the year 1830, chapter 113, entitled, an act to amend an act to establish and regulate a Turnpike-road, in the county of Haywood, called the Tennessee River Turnpike-road, passed A. D. 1826, chapter 36; a bill to authorise the completion of the Tennessee River Road, in the county of Macon, and to incorporate a Company for that purpose; and a bill to exempt certain hands from working on the Hickory Nut Gap Road, in the county of Buncombe; in which they ask the concurrence of the Senate; whereupon the two first mentioned bills were read the first, second and third times and passed, and ordered to be enrolled; and the last mentioned bill was read the first time and passed, and, on motion of Mr. Hoke, ordered to be laid upon the table.

Received also from the House of Commons a message, stating that they have passed the following engrossed bills, to wit: "A bill to incorporate the Trap Hill Riflemen, in the county of Wilkes; and a bill directing the manner in which Constables shall hereafter be elected, in the counties of Davidson, Buncombe and Chatham; in which they ask the concurrence of the Senate; whereupon the first mentioned bill was read the first and second times and passed; and, being read the third time, Mr. Moye, of Pitt, moved to amend it, by striking out the last section; which amendment was agreed to, and the bill as amended was read the third time and passed, and a message sent to the House of Commons, asking their concurrence in the amendment; and the last mentioned bill was read the first time and passed, and, being read the second time, Mr. Lindsay moved to amend it, by extending its provisions to the county of Currituck. Mr. Wellborn moved further to amend it, by extending its provisions to the county of Wilkes. Mr. Hussey moved further to amend it by extending its provisions to the county of Duplin; and Mr. Lamb moved further to amend it, by extending its provisions to the county of New Hanover; which several amendments were agreed to, and the bill as amended was read the second time and passed.

Received from the House of Commons the resignation of Southern S. Higgs, Major, of the Southern Regiment of Granville county Militia, endorsed in that House, "read and accepted," and which was read and accepted by the Senate.

And the Senate then adjourned until to-morrow morning, 10 o'clock.

SATURDAY, JANUARY 5, 1833.

Mr. Morris presented a bill, entitled, "a bill to alter the name of George W. Williams, of Anson county;" which was read the first, second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, proposing to ballot immediately for a Major of Cavalry of the 3d Brigade, and stating that Joseph D. Ward is in nomination for the appointment; which proposition was agreed to, and Messrs. Melvin and Cowper were appointed to conduct the balloting on the part of the Senate, and the House of Commons was informed thereof by mes-

sage; whereupon a message was received from that House, stating that Messrs. Loudermilk and Lee attend the Senate, to conduct the balloting on their part.

Received also from the House of Commons a message, stating that they have passed the following engrossed bill, to wit: "A bill providing for the encouragement of Education;" in which they ask the concurrence of the Senate; whereupon the said bill was read the first time and passed, and, on motion of Mr. Askew, ordered to be laid upon the table.

On motion of Mr. Montgomery, of Hertford, ordered, that Jonathan J. Lindsay, the senator from the county of Currituck, have leave of absence from the services of the Senate, from and after Monday next, for the remainder of the session.

Received from the House of Commons a message, stating their concurrence in the amendment proposed by the Senate to the engrossed bill, entitled, "a bill to amend the laws relative to the county courts of Iredell; whereupon the said bill was ordered to be enrolled.

Received also from the House of Commons a message, stating that they have re-considered the engrossed bill, entitled, "a bill to authorise the issuing a grant for land to Amos Curtis and others for a camp ground," and have passed the same with an amendment; in which they ask the concurrence of the Senate; whereupon the said amendment was read and concurred in, and a message sent to the House of Commons informing them thereof.

The Senate then proceeded to take up and consider the bill to establish the Bank of North Carolina; and the bill being read the third time, Mr. Allison moved to amend the first section of the bill, by striking out the words "five hundred thousand;" which amendment was agreed to. Ayes 34. Noes 14. The ayes and noes being demanded by Mr. Martin, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allison, Askew, Bailey, Bateman, Boddie, Brittain, Bullock, Carter, Dobson, Faison, Hawkins, Hogan, Hoke, Houston, Howell, Kerr, Latham, Lindsay, Mathews, Moffitt, Montgomery, of H., Montgomery of O., Morris, Moye, of G., Moye, of P., Ray, Spaight, Spencer, Stedman, Toomer, Vanhook, Wilder, Williams, Wilson.

Those who voted in the negative are, Messrs. Bell, Dishongh, Gavin, Hinton, Hussey, Lamb, Lilley, Martin, Massey, Moore, Parham, Parker, Skinner, Wellborn.

Mr. Montgomery, of Orange, moved further to amend the bill, by inserting after the word "Legislature," in the second line of the section, the words "and annually thereafter;" which amendment was agreed to. Mr. Williams moved further to amend the bill, by striking out the word "six," in the third line of the fifth section, and inserting in lieu thereof the word "five." Mr. Hinton called for a division of the question. It was therefore first taken on striking out the word "six," which was not agreed to. Ayes 7. Noes 46. The ayes and noes being demanded by Mr. Williams, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Askew, Bailey, Moye, of G., Moye, of P., Spaight, Toomer, Williams.

Those who voted in the negative are, Messrs. Allison, Bateman, Bell, Boddie, Brittain, Bullock, Carter, Cowper, Dishongh, Dobson, Faison, Gavin, Hall, Hawkins, Hinton, Hogan, Hoke, Houston, Howell, Hussey, Kerr, Lamb, Latham, Lilley, Lindsay, Martin, Massey, Mathews, Melvin, Moffitt, Montgomery, of H., Montgomery, of G., Moore, Morris, Parham, Parker, Ray, Rhodes, Skinner, Spencer, Stedman, Tyson, Vanhook, Wellborn, Wilder, Wilson.

Mr. Boddie moved further to amend the third section of the bill, by striking out the following words, to wit: "Not otherwise appropriated, whether of shares in the State Bank, shares in the Cape Fear and Newbern Banks;" which amendment was agreed to. Mr. Montgomery, of Orange, moved fur-

ther to amend the bill, by adding the following as an additional section, to come in at the end of the tenth section, to wit:

"Be it further enacted, That a majority of the officers of said Bank, shall constitute a body for the transaction of business, and the salaries of the Directors of the principal Bank shall be two hundred dollars each;"

Which amendment was agreed to, and the bill as amended was read the third time and passed, and ordered to be engrossed. Ayes 33. Noes 21. The ayes and noes being demanded by Mr. Moye, of Greene, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allison, Bell, Brittain, Carter, Cowper, Dishongh, Gavin, Hall, Harrison, Hinton, Hogan, Hoke, Houston, Hussey, Lamb, Lilley, Martin, Massey, Mathews, Moffitt, Montgomery, of H., Montgomery, of O., Moore, Morris, Parham, Parker, Skinner, Spencer, Stedman, Tyson, Vanhook, Wellborn, Wilson.

Those who voted in the negative are, Messrs. Askew, Bailey, Bateman, Boddie Bullock, Dobson, Faison, Hawkins, Howell, Latham, Lindsay, Melvin, Moye, of G., Moye, of P., Ray, Rhodes, Seawell, Spaight, Toomer, Wilder, Williams.

Mr. Melvin, from the committee appointed to conduct the balloting for Major of Cavalry, attached to the third Brigade, reported that Joseph D. Ward, having received a majority of the whole number of votes, is duly elected; in which report the Senate concurred.

The engrossed bill directing the manner in which Constables shall hereafter be elected, in the counties of Davidson, Chatham and Buncombe, was read the third time. Mr. Dobson moved to amend the bill, by extending its provisions to the county of Surry. Mr. Rhodes moved further to amend it, by extending its provisions to the county of Wayne. Mr. Spencer moved further to amend it, by extending its provisions to the county of Hyde. Mr. Moffitt moved further to amend it, by extending its provisions to the county of Randolph; which several amendments were agreed to. Mr. Hogan moved that the further consideration of the said bill be postponed until the third Monday in November next; which was not agreed to. Mr. Dishongh moved further to amend the bill, by extending its provisions to the county of Onslow; which amendment was agreed to. The question then recurring, on the passage of the bill the third time as amended, it was decided in the affirmative, and a message sent to the House of Commons, asking their concurrence in the amendments.

On motion of Mr. Martin, ordered, that Gabriel T. Moore, the senator from the county of Stokes, have leave of absence from the services of the Senate, from and after Monday next, for the remainder of the session.

On motion of Mr. Mathews, ordered, that Herod Faison, the senator from the county of Northampton, have leave of absence from the services of the Senate, from and after Monday next, for the remainder of the session.

The engrossed bill providing for the encouragement of Education, was read the second time and resolved that the same shall not pass. Ayes 14. Noes 32. The ayes and noes being demanded by Mr. Hinton, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Askew, Bailey, Bell, Faison, Hall, Hogan, Kerr, Lindsay, Martin, Montgomery, of O., Moore, Ray, Seawell, Stedman.

Those who voted in the negative are, Messrs. Allison, Brittain, Bullock, Carter, Cowper, Dobson, Harrison, Hawkins, Hinton, Hoke, Houston, Howell, Hussey, Lamb, Latham, Massey, Melvin, Moffitt, Montgomery, of H., Morris, Moye, of G., Moye, of P., Parham, Parker, Skinner, Spencer, Toomer, Tyson, Vanhook, Wellborn, Wilder, Wilson.

Mr. Seawell presented the following resolution, to wit:

"Resolved by the General Assembly of North Carolina, That the Board of Internal Improvement be authorised to cause to be made, the necessary examination of the Neuse River, from Smithfield to some point near Raleigh, with the view of ascertaining whether

The navigation of said river may not be extended to such point; and in case the said navigation can be effected for such sum as the said Board shall deem reasonable, that they notify the Neuse Navigation Company thereof; provided that the expense of said examination be paid by said Navigation Company."

Which was read the first, second and third times and passed, and ordered to be engrossed.

And the Senate then adjourned until Monday morning, 10 o'clock.

MONDAY, JANUARY 7, 1833.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills and resolution, to wit: "A bill to establish the Bank of North Carolina; a bill to alter the name of George W. Williams, of Anson county; and a resolution authorising a survey of Neuse river, from Smith's field to some point near Raleigh;" in which they ask the concurrence of that House.

Mr. Hussey presented a bill, entitled, "a bill to empower the commissioners of the town of Serecta, in the county of Duplin, to sell the town commons;" which was read the first, second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating their concurrence in the amendment proposed by the Senate to the engrossed bill, entitled, "a bill to incorporate the Trap Hill Riflemen, in the county of Wilkes;" whereupon the said bill was ordered to be enrolled.

A message was also received from the House of Commons, stating that they have passed the following engrossed bills, to wit: "A bill to establish the Bank of North Carolina; a bill to establish the Merchants' Bank, in the town of Newbern; a bill to render the land of a deceased debtor liable for costs, where the plea of fully administered has been found in favor of his executor or administrator; a bill for the better organization of the Militia of this State; a bill to empower the courts of pleas and quarter sessions of the several counties within this State, to authorise the erection of gates across public roads within their respective counties; and a bill concerning the board of internal improvement; in which they ask the concurrence of the Senate; whereupon the said bills were severally read the first time and passed.

The resolution authorising and requesting the Governor to purchase Maps of North Carolina, by John McRea, to be presented to each of the States and Territories, was, on motion of Mr. Hawkins, taken up and read the second and third times and passed, and ordered to be engrossed.

Received from the House of Commons, a message, stating that they have passed the following engrossed resolutions, to wit: "resolution in favor of Joseph Gales, commissioner, &c.; resolution in favor of Isaac Alexander; resolution in favor of Fielding Slater, Sheriff of Rowan county; resolution in favor of Elizabeth Forbis; and a resolution in favor of James Graham;" in which they ask the concurrence of the Senate; whereupon the said resolutions were severally read the first, second and third times and passed, and ordered to be enrolled, except the last mentioned resolution; which was read the first time and passed, and, on motion of Mr. Garter, ordered to be laid on the table.

Mr. Gavin presented the resignation of Wm. C. Draughan, Major of the 32d Regiment of North Carolina Militia; which was read and accepted, and sent to the House of Commons.

On motion of Mr. Allison, ordered, that the committee on the judiciary be discharged from the farther consideration of the engrossed resolution, in favor of David Caldwell.

On motion of Mr. Hogan, ordered, that the twelfth rule of the Senate be suspended, for the purpose of now considering the engrossed bill, for the better organization of the Militia of this State; which motion was agreed to; whereupon the said bill was read the second and third times and passed, and ordered to be enrolled.

On motion of Mr. Montgomery, of Hertford, ordered, that the same rule be suspended, for the purpose of now considering the engrossed bill, to empower the courts of pleas and quarter sessions of the several counties within this State, to authorise the erection of gates across public roads within their respective counties; which motion was agreed to; whereupon the said bill was read the second time, and, on motion of Mr. Wilson, ordered, that the further consideration thereof be postponed indefinitely.

On motion of Montgomery, of Hertford, ordered, that the same rule be suspended, for the purpose of now considering the engrossed bill concerning the board of internal improvements; which motion was agreed to; whereupon the said bill was read the second time, and resolved that the same shall not pass.

On motion of Mr. Bailey, ordered, that the same rule be suspended, for the purpose of now considering the engrossed bill, to render the land of a deceased debtor liable for the costs, where the plea of fully administered has been found in favor of his Executor or Administrator; which motion was agreed to; whereupon the said bill was read the second and third times and passed, and ordered to be enrolled.

Mr. Seawell presented the following preamble and resolution, to wit:

"Whereas, the Hon. David L. Swain, in proceeding to the first court of the circuit assigned to him in the last fall term, was accidentally thrown from his chair, by which he was so much injured as to be unable to attend several courts in his circuit.

"Resolved, That the said David L. Swain be entitled to the same compensation, as he would have been in case he had attended and held all the courts in his circuit; and that the Public Treasurer pay the same accordingly;"

Which was read the first time and resolved that the same shall not pass.

On motion of Mr. Carter, the Senate proceeded to take up and consider the engrossed resolution in favor of James Graham, and the resolution being read the second time, Mr. Bell moved to amend it, by striking out the word "fifty," and inserting in lieu thereof the words "twenty-five;" which amendment was not agreed to, and the resolution was read the second and third times and passed, and ordered to be enrolled.

On motion of Mr. Morris, ordered, that Haywood S. Bell, the senator from the county of Camden have leave of absence from the services of the Senate, from and after Wednesday next, for the remainder of the session.

Mr. Brittain presented a bill, entitled, "a bill to extend the provisions of an act, passed A. D. 1830, entitled, an act to repeal an act, passed in the year 1823, entitled, an act concerning the public lands, in the county of Haywood, so far as respects buildings on said lands;" which was read the first, second and third times and passed, and ordered to be engrossed.

On motion of Mr. Stedman, ordered, that James Rhodes, the senator from the county of Wayne, have leave of absence from the services of the Senate, from and after to-morrow, for the remainder of the session.

On motion of Mr. Martin, ordered, that the report of the joint select committee, to whom was referred the letter of His Excellency the Governor of the State of South Carolina to His Excellency the Governor of this State, with the accompanying documents, made to the Senate, on the 24th day of December last, be spread at length upon the Journals of the Senate. The report is as follows, to wit:

The joint select committee, to whom was referred the letter of His Excellency the Governor of South Carolina to His Excellency the Governor of this State, with the accompanying documents, report: That the Union of the North American Colonies and the subsequent declaration of Independence, are political events of momentous interest in the history of this country; and are associated in the recollection and embalmed in the affection of the people of this State. These were monuments of imperishable fame, proclaiming to an oppressed and benighted world, the rights of man and his capacity for self-government. In support of these principles, the illustrious Washington led our fathers to battle; and valour established in the field what wisdom had declared in council. These were united efforts in a common cause; the watch-word was then "Liberty and Union, now and for ever, one and inseparable." Victory added lustre to the star-spangled banner; the storm of war disappeared and peace smiled on "the land of the brave and the home of the free."

"To form a more perfect Union," and "to secure the blessings of liberty" to themselves and their posterity, the heroes and patriots of the revolution established the Constitution of the United States of America. It is a splendid production of human wisdom, admirably combining and harmoniously intermingling, the elements of liberty and the principles of social order. Political philosophy throughout the world, looked in amazement on the august spectacle, while the votaries of legitimacy in the eastern hemisphere, predicted its early dissolution. Hitherto disappointment has blasted their hopes. The constitution has secured to us the enjoyment of happiness for forty-five years; experience has proved it to be fitted to every exigency; it has conducted us to glory in war and to prosperity in peace. Should this temple of liberty totter to its fall, it will overwhelm in its ruins the rights of man, and his hopes "will be extinguished for ever." We will become a mark for the finger of scorn; man's capacity for self-government will be a theme of ridicule and a subject for derision; instead of the doctrine of universal emancipation, the dogma of universal despotism will be proclaimed to a degenerate world.

The people of this State are ardently attached to the Constitution and sincerely devoted to the Union. The spirit of '76 glows in their bosoms with its primitive ardor; they recognised the right of the oppressed to break asunder the ties which connect them with the oppressor; but it is a right which should not be exercised for light or transient causes. The dissolution of the Union will be accompanied by deeds of violence and scenes of blood, at the sight of which valor may stand appalled. The arm of the son raised against the father; the poniard of a brother plunged into a brother's bosom; the wife weeping over the murdered body of her husband; the widowed mother bewailing the loss of her only son, are all unexaggerated incidents of civil war. May God in his mercy avert this awful calamity from our beloved country.

Although a diversity of opinion prevails in this State, as to the constitutionality of the acts of Congress imposing duties on imports; yet it is believed a large majority of the people think those acts unconstitutional, and they are all united in the sentiment, that the existing Tariff is impolitic, unjust and oppressive; and they have urged and will continue to urge its repeal. As the national debt is so nearly extinguished, all concur in the propriety of reducing the duties on imports to a revenue standard, which should be graduated to the wants of the General Government for current expenditures. They believe this system of policy is one of the cardinal objects of the present administration; and that a reduction of the Tariff will annually occur until the desired abatement be attained. They are opposed to the collection of revenue by the Federal Government for purposes of internal improvement, for reasons not necessary now to be assigned. The proposed reduction of the duties will relieve the Southern States from the evil of which they complain. Then, in a period of tranquillity and of profound peace, a Convention can be assembled in the mode prescribed by the Constitution, to revise and amend that charter of our rights, so as to remove all doubt as to the constitutional power of Congress, to impose duties on importation for the protection of any branch of industry. The General Assembly of this State think, that the doctrine of Nullification avowed by South Carolina, and declared in an ordinance made by a Convention, which recently assembled in Columbia, is revolutionary in its character, will in its operation, be subversive of the Constitution of the United States, and leads to a dissolution of the Union. This opinion is entertained with much deference to the opinions of others, and is now expressed more in sorrow than in anger, and from a deep sense of duty to our neighbors. We cherish sentiments of the highest respect for the virtue, talents and chivalry of the citizens of that State. They no doubt believe, that a crisis of fearful and oppressive extremity has arrived, when no other alternative is left to patriotism, but boldly to stand forth in the defence of reserved rights and valorously to resist the oppressor. The philosophy of the human mind teaches us it is so constituted, that

honest differences of opinion will arise; manly ingenuoussness forbids their concealment, and magnanimity will duly appreciate their expression and receive it with forbearance. Let us not deceive ourselves with the cry of peace, peace, when there is no peace; this would be the language of delusion and folly. Truth and justice forbid that we should "ought extenuate, or ought set down in malice;" in the hour of trial and difficulty, ingenuous frankness is the dictator of generous hearts glowing in an honest cause.

This is an awful crisis. The attitude which our Southern sister has assumed, and the relation in which she now stands to the Federal Government, fills us with the deepest solicitude and the most heart thrilling anxiety. North Carolina is not only deeply implicated in the existing controversy, as a member of the Union; but from her proximity to one of the contending parties and their community of interests, may be vitally involved in the issue of the conflict. She is the border State, and her fields may become the battle ground of the combatants. These considerations justify us in approaching, with feelings of kindness our sister State, and in soliciting her to pause ere she takes a leap, the consequences of which are not within the reach of the human eye. With the olive branch of peace in our hands, and with the offerings of conciliation in our hearts, let us address her in the language of friendship, and implore her to the exercise of a little more forbearance. Let us beseech her to recollect the long agony of her departed worthies in the great struggle for freedom; let us remind her of their toil and suffering, and of the blood and treasure which were expended in the establishment of our political institutions. Let us invoke her in the names of her Pinkneys, her Rutledges, her Sumpters and her Marions; let us call upon her in the name of liberty and the rights of man, to pause. We have been taught by more than human wisdom that "blessed are the peace-makers;" let us then endeavor to procure an adjustment of the existing controversy, and let us use all constitutional means in our power, to produce a reconciliation between the contending parties. To that end your committee recommend the adoption of the following resolutions, &c.

[For these Resolutions, see Journal of the 24th December.]

And the Senate then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, JANUARY 8, 1833.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills and resolution, to wit: "A bill to extend the provisions of an act, passed A. D. 1830, entitled, an act to repeal an act, passed in the year 1823, entitled, an act concerning the public lands in the county of Haywood, so far as respects buildings on said lands; a bill to empower the commissioners of the town of Serecta, in the county of Duplin, to sell the town commons; resolution authorizing and requesting the Governor to purchase Maps of North Carolina, by John McRea, to be presented to each of the States and Territories;" in which they ask the concurrence of that House.

Mr. Hussey presented the memorial of sundry citizens of the county of Duplin, praying the Legislature to authorize and empower the county court of said county to remit a fine, imposed by the superior court of said county, on Wilson Hodges. Mr. Hussey also presented a bill to carry the prayer of the petitioners into effect, entitled, a bill for the benefit of Wilson Hodges, of Duplin county;" which was read the first time and passed, and being read the second time, Mr. Hogan moved that the said bill and petition be referred to the committee on the judiciary. Mr. Bell moved that the further consideration thereof be postponed indefinitely; which motion having precedence, the question thereon was first taken, and decided in the affirmative.

Mr. Norman presented a bill, entitled, "a bill amendatory and declaratory of the several laws now in force "concerning the town of Oxford," which was read the first, second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that they have passed the engrossed bill, entitled, "a bill to incorporate the Williamston and Windsor Turnpike Company," with an amendment; in which they ask the concurrence of the Senate; whereupon the proposed amendment was read and

concurred in by the Senate, and the House of Commons was informed thereof by message.

A message was also received from the House of Commons, stating that they have passed the engrossed bill, entitled, "a bill concerning the inspection of Fire Wood, in the town of Newbern;" in which they ask the concurrence of the Senate; whereupon the said bill was read the first time and passed, and, being read the second time, Mr. Lamb moved to amend the bill, by striking out the words "two and a half" and inserting the word "three," and also to extend the provisions of the bill to the town of Wilmington; which amendments were not agreed to. Mr. Lamb then moved that the further consideration of the said bill be postponed indefinitely; which was not agreed to. Ayes 8. Noes 41. The ayes and noes being demanded by Mr. Lamb, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Askew, Bell, Carter, Lamb, Martin, Toomer, Wellborn, Wilson.

Those who voted in the negative are, Messrs. Allison, Bailey, Boddie, Brittain, Cowper, Dishongh, Dobson, Faison, Gavin, Hall, Harrison, Hawkins, Hinton, Hogan, Hoke, Houston, Howell, Hussey, Kerr, Latham, Lilley, Massey, Mathews, Melvin, Moffitt, Montgomery, of H., Montgomery, of O., Morris, Moye, of G., Moye, of P., Norman, Parham, Parker, Ray, Skinner, Spaight, Spencer, Stedman, Tyson, Vanhook, Wilder.

The question then recurring, on the passage of the bill the second time, it was decided in the affirmative; and the bill was thereupon read the third time and passed, and ordered to be enrolled.

A message was also received from the House of Commons, stating that they have passed the following engrossed bills and resolution, to wit: "A bill to amend the tenth section of the act of 1741, entitled, an act for the better observation of the Lord's day, commonly called Sunday, and for the more effectual suppression of vice and immorality; a bill to repeal part of an act, passed at the last session of the General Assembly, chapter 26, entitled, an act to regulate retailers of Spirituous Liquors; a bill to incorporate the Granville Dragoons; and a resolution for the Governor, &c.; in which they ask the concurrence of the Senate; whereupon the two first mentioned bills were read the first time and passed, and the last mentioned bill and resolution were read the first, second and third times and passed, and ordered to be enrolled.

Received also from the House of Commons a message, stating that they have passed the "engrossed resolution in favor of John Lumsden;" in which they ask the concurrence of the Senate; whereupon the resolution was read the first time and passed, and, being read the second time, Mr. Bell moved that the further consideration thereof be postponed indefinitely; which was not agreed to. Mr. Wilder moved to amend the resolution, by striking out the words "twenty-one," and inserting the word "nine;" which amendment was not agreed to; and the resolution was thereupon read the second and third times and passed and ordered to be enrolled.

Received also from the House of Commons a message, stating that they have passed the engrossed bill, entitled, "a bill to repeal the third section of an act, passed in the year 1825, chapter 1272, entitled, an act to direct the manner in which licences shall hereafter be issued to retailers of Spirituous Liquors, so far as regards the counties of New Hanover, Richmond and Beaufort;" which was read the first time and passed, and, being read the second time, Mr. Hinton moved to amend the bill, by striking out that portion of its provisions which relates to the county of Beaufort; which amendment was agreed to, and the bill as amended was read the second and third times and passed.

and a message sent to the House of Commons, asking their concurrence in the amendment.

A message was also received from the House of Commons, transmitting a communication from His Excellency the Governor, covering two letters received by him from His Excellency the Governor of the State of Georgia; one communicating a resolution adopted by the Legislature of that State on the 3d day of December last, proposing the call of a Convention of the people of the United States, with a view to the amendment of the Federal Constitution, in the various particulars specified in the resolution; the other containing a copy of a series of resolutions adopted on the 22d of December, concurring with the General Assembly of the State of Tennessee, in deprecating the exercise of the powers which have been assumed by Congress, of appropriating money out of the Treasury of the United States, for the purposes of internal improvement, and declaring that the government of the United States does not possess under the Constitution, any power to carry on a system of internal improvement within the several States, or to appropriate money to be expended upon such improvements; which, after being read, Mr. Wellborn moved that the said message, with the accompanying documents, be referred to a select committee. Mr. Williams moved that the communication and documents be laid upon the table; which motion having precedence, the question thereon was first taken and decided in the affirmative.

The Senate then entered on the orders of the day, and proceeded to take up and consider the engrossed bill, entitled, "a bill to establish the Merchant's Bank, in the town of Newbern;" and the bill being read the second time, Mr. Bell moved that the further consideration of the said bill be postponed until the third Monday in November next; which motion was agreed to. Ayes 38. Noes 13. The ayes and noes being demanded by Mr. Montgomery, of Orange, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Bell, Brittain, Carter, Cowper, Dishongh, Dobson, Faison, Gavin, Hall, Hawkins, Hinton, Hoke, Howell, Lamb, Latham, Martin, Mathews, Melvin, Moffitt, Montgomery, of H., Montgomery, of O., Moore, Morris, Moye, of G., Norman, Parham, Parker, Ray, Rhodes, Skinner, Spencer, Stedman, Tyson, Vanhook, Wellborn, Wilder, Williams, Wilson.

Those who voted in the negative are, Messrs. Allison, Askew, Bailey, Boddie, Harrison, Hogan, Houston, Hussey, Kerr, Lilley, Moye, of P., Spaight, Toomer.

Received from the House of Commons a message, stating that they have rejected the engrossed bill, entitled, "a bill to establish the Bank of North Carolina."

The Senate then, on motion of Mr. Martin, proceeded to take up and consider the engrossed bill, entitled, "a bill to establish the Bank of North Carolina;" and the bill being read the second time, Mr. Montgomery, of Orange, moved that the further consideration of the said bill be postponed indefinitely; which was not agreed to. Ayes 22. Noes 28. The ayes and noes being demanded by Mr. Montgomery, of Orange, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Cowper, Faison, Gavin, Hall, Hawkins, Howell, Lamb, Latham, Mathews, Melvin, Montgomery of O., Moore, Moye, of G., Norman, Parham, Parker, Ray, Skinner, Spencer, Wellborn, Williams, Wilson.

Those who voted in the negative are, Messrs. Allison, Askew, Bailey, Boddie, Brittain, Carter, Dishongh, Dobson, Hinton, Hogan, Hoke, Houston, Hussey, Kerr, Lilley, Martin, Massey, Moffitt, Montgomery, of H., Morris, Moye, of P., Rhodes, Spaight, Stedman, Toomer, Tyson, Vanhook, Wilder.

Whereupon, on motion of Mr. Hinton, the Senate resolved itself into a committee of the whole House, Mr. Wilson in the Chair, to take into consideration the said bill, and after some time spent therein, the Speaker resumed the Chair,

and Mr. Wilson reported, that the committee of the whole House had, according to order, had the said bill under consideration, and had made sundry amendments thereto, and had instructed him to report the same to the Senate, and ask their concurrence in the amendments; whereupon, on motion of Mr. Wilson, ordered, that the said bill as amended be printed, one copy for each member of the Senate.

And the Senate then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, JANUARY 9, 1833.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed bill, entitled, "a bill amendatory and declaratory of the several laws now in force, concerning the town of Oxford;" in which they ask the concurrence of that House.

On motion of Mr. Hawkins, ordered, that a message be sent to the House of Commons, proposing to ballot immediately for a Brigadier-general of the 19th Brigade, and stating that Benjamin S. Brittain is in nomination for the appointment.

The Senate then entered upon the orders of the day, and proceeded to take up and consider the engrossed bill, entitled, "a bill to establish the Bank of North Carolina," and the question pending being on agreeing to the amendments reported by the committee of the whole House, the said amendments were severally read and concurred in, and, on the question of concurrence in the amendment proposed to the 16th section, to wit: To strike out the figures "1835," and insert the figures "1838." Mr. Martin demanded the ayes and noes, which are as follows, to wit: Ayes 26. Noes 23.

Those who voted in the affirmative are, Messrs. Allison, Askew, Bailey, Boddie, Brittain, Carter, Cowper, Dishongh, Dobson, Harrison, Hinton, Hogan, Howell, Kerr, Latham, Lilley, Martin, Massey, Moffit, Montgomery, of H., Morris, Parham, Seawell, Spaight, Stedman, Toomer.

Those who voted in the negative are, Messrs. Faison, Gavin Hall, Hawkins, Hoke, Houston, Hussey, Lamb, Mathews, Melvin, Montgomery, of O., Moye, of G., Moye, of P., Norman, Parker, Ray, Skinner, Spencer, Tyson, Vanhook, Wellborn, Williams, Wilson.

Mr. Spaight moved further to amend the twenty-fourth section of the bill, by striking out the word "five" and inserting the word "three;" which amendment was agreed to.

Mr. Hall moved further to amend the bill in the first section, by striking out after the word "subscribe," the words "one million of dollars," and inserting in lieu thereof the words "six hundred thousand dollars," and after the words "North Carolina" in the same section, strike out the words "one million of dollars," and insert in lieu thereof the words "one million four hundred thousand dollars;" which amendment was not agreed to. Ayes 11. Noes 38. The ayes and noes being demanded by Mr. Hall, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Gavin Hall, Lamb, Montgomery, of O., Norman, Parham, Parker, Spencer, Wellborn, Williams, Wilson.

Those who voted in the negative are, Messrs. Allison, Askew, Bailey, Boddie, Brittain, Carter, Cowper, Dishongh, Dobson, Faison, Harrison, Hawkins, Hinton, Hogan, Hoke, Houston, Howell, Hussey, Kerr, Latham, Lilley, Martin, Massey, Mathews, Melvin, Moffit, Montgomery, of H., Morris, Moye, of G., Moye, of P., Ray, Seawell, Skinner, Spaight, Stedman, Toomer, Tyson, Vanhook.

Mr. Hinton moved further to amend the bill, by adding the following at the end of the first section, to wit:

"But the General Assembly may, at any time hereafter, enlarge said capital stock, and secure to the State one half of such added capital;"

Which amendment was not agreed to. Mr. Faison moved further to amend the bill by adding the following as an additional section, to wit:

"Be it further enacted, That any person presenting a note to said bank for payment, and the payment thereof being refused, judgment may be rendered against the corporation on a notice served on the principal officer of the bank, or left in said bank with any person transacting business therein, in the same manner that judgment is rendered against any private person, but said judgment shall not be staid by the corporation; but if not satisfied may be levied on the effects of the corporation, and should none of the effects of the corporation be found, then on the goods, chattels and effects of any individual stockholder in said bank; a list of said stockholders shall be filed by the president of the bank in the Secretary of State's office, and revised on any transfer of stock, and each person transferring stock shall be bound for the solvency of the holder thereof; provided, that no stockholder shall be bound for a greater amount of the notes of the bank than the whole amount of stock held by him, her or them."

Mr. Hall moved that the further consideration of the bill and amendment be postponed indefinitely; which was not agreed to. Ayes 19. Noes 31. The ayes and noes being demanded by Mr. Hall, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Askew, Bailey, Cowper, Gavin, Hall, Hawkins, Howell, Hussey, Lamb, Latham, Melvin, Montgomery, of H., Montgomery, of O., Moye, of G., Moye, of P., Ray, Spencer, Williams, Wilson.

Those who voted in the negative are, Messrs. Allison, Boddie Brittain, Carter, Dishongh, Dobson, Faison, Harrison, Hinton, Hogan, Hoke, Houston, Kerr, Lilley, Martin, Massey, Mathews, Moffitt, Morris, Norman, Parham, Parker, Seawell, Skinner, Spaight, Stedman, Toomer, Tyson, Vanhook, Wellborn, Wilder.

The question then recurring, on agreeing to the amendment proposed by Mr. Faison, it was decided in the negative. Ayes 17. Noes 32. The ayes and noes being demanded by Mr. Faison, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Cowper, Faison, Gavin, Hall, Hawkins, Hussey, Lamb, Latham, Montgomery, of O., Moye, of G., Parham, Parker, Spencer, Vanhook, Wilder, Williams, Wilson.

Those who voted in the negative are, Messrs. Allison, Askew, Bailey, Boddie, Brittain, Dishongh, Dobson, Harrison, Hinton, Hogan, Hoke, Houston, Howell, Kerr, Lilley, Martin, Massey, Mathews, Melvin, Moffitt, Montgomery, of H., Morris, Moye, of P., Norman, Ray, Seawell, Skinner, Spaight, Stedman, Toomer, Tyson, Wellborn.

Mr. Skinner moved further to amend the bill, by striking out the following words from the last line of the fourteenth section, to wit; "Subject to the provisions contained in the seventeenth section;" which amendment was agreed to; and the bill was thereupon read the second time, as amended, and passed. Ayes 26. Noes 24. The ayes and noes being demanded by Mr. Mathews; are as follows, to wit.

Those who voted in the affirmative are, Messrs. Allison, Boddie, Brittain, Carter, Dishongh, Dobson, Harrison, Hinton, Hogan, Hoke, Houston, Kerr, Lilley, Martin, Massey, Moffitt, Morris, Parham, Parker, Skinner, Stedman, Toomer, Tyson, Vanhook, Wellborn, Wilder.

Those who voted in the negative are, Messrs. Askew, Bailey, Cowper, Faison, Gavin, Hall, Hawkins, Howell, Hussey, Lamb, Latham, Mathews, Melvin, Montgomery, of H., Montgomery, of O., Moye, of G., Moye, of P., Norman, Ray, Seawell, Spaight, Spencer, Williams, Wilson.

Whereupon the said bill was read the third time and passed, and a message sent to the House of Commons asking their concurrence in the amendments. Ayes 26. Noes 24. The ayes and noes being demanded by Mr. Williams, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allison, Boddie, Brittain, Carter, Dishongh, Dobson, Harrison, Hinton, Hogan, Hoke, Houston, Kerr, Lilley, Martin, Massey, Moffitt, Morris, Parham, Parker, Stedman, Skinner, Toomer, Tyson, Vanhook, Wellborn, Wilder.

Those who voted in the negative are, Messrs. Askew, Bailey, Cowper, Faison, Gavin, Hall, Hawkins, Howell, Hussey, Lamb, Latham, Mathews, Melvin, Montgomery, of H., Montgomery, of O., Moye, of G., Moye, of P., Norman, Ray, Seawell, Spaight, Spencer, Williams, Wilson.

Mr. Seawell, from the committee, to whom was referred the report of Joseph Gales, Esq., commissioner, &c. to collect the old Journals, Laws, &c. made a verbal report thereon, stating that the object of the reference had been anticipated, by the passage of a resolution at the present session, and that no further legislation was necessary upon the subject; in which report the Senate concurred.

Mr. Seawell, from the committee on the judiciary, to whom was referred the resolution, instructing them to inquire into the legality of the claim made by the President and Directors of the State Bank, by which they have exacted interest of four per cent. on the reserved stock not paid for, belonging to the State in said Bank, made a detailed report thereon, stating that it appears to the committee, that the Bank have insisted upon nothing which was not authorized by the consent of the State. On motion of Mr. Wilson, ordered, that the said report be laid upon the table.

Received from the House of Commons a message, stating that they have laid on the table, until the third Monday in November next, the message of the Senate, proposing to ballot immediately for a Brigadier-general of the 19th Brigade.

On motion of Mr. Wilson, the Senate proceeded to take up and consider the engrossed resolution for the Treasurer and Attorney-general; whereupon the said resolution was read the second and third times and passed, and ordered to be enrolled.

Received from the House of Commons a message, stating that they have postponed indefinitely the following engrossed bills, to wit: "A bill to emancipate Littlebury, a slave, the property of John D. Scott; a bill to alter the names of Catharine Dawson and Henry Dawson, of Wake county; and a bill to legitimate Arcadia Harris, and entitle her to inherit from both parents."

Received also from the House of Commons a message, stating that they have rejected the following engrossed bills, to wit: "A bill to exempt hands from working on certain roads, in the county of Buncombe; and a bill to repair, improve and lay off a road, leading from Cornelius Howard's Mill, in Wilkes county, up Elk Creek to the Ashe county line, and thence into the main road, crossing the Blue Ridge at the Deep Gap, into the State of Tennessee."

A message was also received from the House of Commons, stating that they have postponed until the third Monday in November next, the further consideration of the engrossed bill to amend an act, passed in the year 1826, entitled, an act to amend the several inspection laws of this State, so far as respects Turpentine, in the town of Wilmington."

A message was also received from the House of Commons, stating that they have passed the engrossed bill, entitled, "a bill to enact, with sundry alterations and additions, an act, entitled, an act incorporating the Portsmouth and Roanoke Rail-road Company and for other purposes, passed by the Legislature of Virginia, on the 8th day of March, 1832;" in which they ask the concurrence of the Senate; whereupon the said bill was read the first time and passed, and being read the second time, Mr. Mathews moved to amend the bill, by striking out the words "at any point on the Roanoke below Weldon," and to insert in lieu thereof, the words "opposite Weldon;" which amendment was agreed to; and the bill as amended, was read the second and third times and passed, and a message sent to the House of Commons, asking their concurrence in the amendment.

On motion of Mr. Montgomery, of Orange, ordered, that John H. Hawkins,

the senator from the county of Warren, have leave of absence from the services of the Senate, from and after to-morrow, for the remainder of the session.

And the Senate then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, JANUARY 10, 1833.

Received from the House of Commons a message, stating that they concur in the amendment proposed by the Senate, to the engrossed bill to repeal the third section of an act, passed in the year 1825, chapter 1272, entitled, an act to direct the manner in which Licenses shall hereafter be issued to retailers of Spirituous Liquors, so far as regards the counties of New Hanover, Richmond and Beaufort;" whereupon the said bill was ordered to be enrolled.

Mr. Hinton presented a bill, entitled, "a bill to revise and continue in force, in the town of Washington, the provisions of an act, passed in the year 1824, entitled, "an act to provide against the introduction and spreading of contagious or infectious diseases in this State; which was read the first, second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that they have passed the following engrossed bills with amendments, to wit: A bill for the better organization of the Militia, of the county of Beaufort; a bill to incorporate the Sunsbury Academy, in the county of Gates; and a bill for the better regulation of the courts of pleas and quarter sessions for the county of Halifax; in which amendments they ask the concurrence of the Senate; whereupon the said amendments were severally read and concurred in, and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, stating that they have passed the following engrossed bill and resolutions, to wit: "A bill to prevent the unlawful asportation of slaves from this State; resolution in favor of Richard Roberts; and a resolution in favor of Joseph Welch;" in which they ask the concurrence of the Senate; whereupon the said bill and resolutions were severally read the first, second and third times and passed, and ordered to be enrolled.

On motion of Mr. Wilson, ordered, that the twelfth rule of the Senate be suspended for the remainder of the session.

Received also from the House of Commons a message, stating that they have passed the engrossed bill to extend the provisions of an act, passed at the last session of the General Assembly, entitled, "an act to abolish the offices of County Trustee and Treasurer of Public Buildings, in the counties of Richmond, Columbus, Sampson and Robeson," to the counties of Halifax, Nash and Beaufort, with an amendment, to wit: Strike out the words "Halifax and Beaufort;" in which they ask the concurrence of the Senate; whereupon the amendment, so far as regards striking out the word "Beaufort," was agreed to; but the amendment, so far as regards striking out the word "Halifax," was not agreed to; and the House of Commons was informed thereof by message.

A message was also received from the House of Commons, proposing that the two Houses adjourn *sine die* on to-morrow morning, at seven o'clock. Mr. Mathews moved that the message be laid upon the table; which was not agreed to. Mr. Hall moved to amend the proposition, by striking out the words "to-morrow morning at seven o'clock," and insert in lieu thereof, the words "this evening at six o'clock;" which amendment was not agreed to. Mr. Spaight moved further to amend the proposition, by striking out the words "at seven o'clock;" which amendment was agreed to, and the House of Commons was informed thereof by message.

Received also from the House of Commons a message, stating that they have postponed indefinitely the following engrossed bills to wit: "A bill to give exclusive jurisdiction to the superior courts of Law for the county of Buncombe; a bill more effectually to prevent litigation and to avoid suits in law; and a bill to amend an act, passed in the year of our Lord 1829, entitled, an act to provide for a division of negroes and other chattel property held in common."

Received also from the House of Commons a message, stating that they have rejected the following engrossed bills, to wit: "A bill to amend an act, passed the present sess.^o 1, entitled, an act to vest the right of electing clerks of the county and superior courts, in the several counties within this State, in the free white men thereof; a bill to amend an act, passed at the last session of the General Assembly, entitled, an act to authorise the building of a Toll-bridge over Roanoke river, at the town of Weldon, and to incorporate a company for that purpose; also the engrossed resolution in favor of Samuel W. Vick, sheriff of Nash county."

Received also from the House of Commons a message, stating that they concur in the amendment proposed by the Senate to the engrossed bill to enact, with sundry alterations and additions, an act, entitled, "an act incorporating the Portsmouth and Roanoke Rail-road Company and for other purposes," with an amendment, to wit: add to word "opposite" the words "or below;" which amendment was not agreed to, and a message was sent to the House of Commons informing them thereof.

A message was also received from the House of Commons, stating their concurrence in the amendments proposed by the Senate to the engrossed bill, directing the manner in which Constables shall hereafter be elected, in the counties of Davidson, Buncombe and Chatham, with an amendment, to wit: Strike out the word "Randolph" wherever it occurs; in which they ask the concurrence of the Senate; whereupon the said amendment was concurred in, and the House of Commons was informed thereof by message.

The engrossed bill to amend the 10th section of the act of 1741, entitled, "an act for the better observation of the Lord's day, commonly called Sunday, and for the more effectual suppression of vice and immorality," was read the second and third times and passed and ordered to be enrolled; and the engrossed bill to repeal part of an act, passed at the last session of the General Assembly, chapter 26, entitled, "an act to regulate retailers of Spirituous Liquors," was read the second time, and, on motion of Mr. Spaight, ordered to be postponed indefinitely.

Received from the House of Commons a message, stating that they have passed, with amendments, the following engrossed bill and resolution, to wit: "A bill to empower the commissioners of the town of Serecta, in the county of Duplin, to sell the town commons; a bill to improve further the police of the town of Washington; a bill for the better regulation of the court of pleas and quarter sessions of Duplin county; and a resolution in favor of the Door-keepers;" in which amendments they ask the concurrence of the Senate; whereupon the said amendments were read and concurred in, and the House of Commons was informed thereof by message.

A message was also received from the House of Commons, stating that they have laid on the table until the 3d Monday in November next, the engrossed resolution requesting the State of South Carolina to suspend the operation of the Ordinance of their Convention, &c.

Received also from the House of Commons a message, stating their concurrence in the several amendments proposed by the Senate to the engrossed bill,

to establish the Bank of North Carolina, except as to the amendments proposed to the 18th section of the bill, and in these they concur with the following amendments, to wit: Strike out the words "one half of the Directors," and insert the words "one Director for every two hundred and fifty thousand dollars subscribed as aforesaid;" also to add the following proviso at the end of said section, to wit: "Provided that no member of the General Assembly shall be eligible either as President or Director;" in which they ask the concurrence of the Senate; and the said amendments having been read, Mr. Williams moved that the further consideration of the said bill and amendments be indefinitely postponed; which was not agreed to. Ayes 13. Noes 30. The ayes and noes being demanded by Mr. Williams, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Askew, Bailey, Cowper, Faison, Gavin, Hall, Hawkins, Howell, Lamb, Latham, Melvin, Montgomery, of H., Montgomery, of O., Moye, of G., Moye, of P., Norman, Williams, Wilson.

Those who voted in the negative are, Messrs. Allison, Boddie, Brittain, Dishongh, Dobson, Harrison, Hinton, Hogan, Hoke, Houston, Hussey, Kerr, Lilley, Martin, Massey, Mathews, Moffitt, Morris, Parham, Parker, Ray, Seawell, Skinner, Spencer, Stedman, Toomer, Tyson, Vanhook, Wellborn, Wilder.

Mr. Martin then moved to amend the first amendment proposed by the House of Commons, by striking out the following words, after the word "one," to wit: "Director for every two hundred and fifty thousand dollars subscribed as aforesaid," and insert the following: "half of the Directors on subscribing for three thousand shares;" which amendment was not agreed to. Ayes 23. Noes 25. The ayes and noes being demanded by Mr. Martin, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Brittain, Faison, Gavin, Hall, Harrison, Hawkins, Howell, Lamb, Latham, Martin, Mathews, Moffitt, Montgomery, of O., Norman, Parker, Ray, Skinner, Spencer, Tyson, Vanhook, Wellborn, Williams, Wilson.

Those who voted in the negative are, Messrs. Allison, Askew, Bailey, Boddie, Cowper, Dishongh, Dobson, Hinton, Hogan, Hoke, Houston, Kerr, Lilley, Massey, Melvin, Montgomery, of H., Morris, Moye, of G., Moye, of P., Parham, Seawell, Spaight, Stedman, Toomer, Wilder.

Mr. Montgomery, of Orange, moved that the bill and amendment be laid upon the table until the third Monday in November next; which was not agreed to. Ayes 24. Noes 24; the Speaker voting in the negative. The ayes and noes being demanded by Mr. Montgomery, of Orange, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Askew, Bailey, Cowper, Faison, Gavin, Hall, Hawkins, Howell, Lamb, Latham, Mathews, Melvin, Montgomery, of H., Montgomery, of O., Moye, of G., Moye, of P., Norman, Parker, Ray, Spaight, Spencer, Wellborn, Williams, Wilson.

Those who voted in the negative are, Messrs. Allison, Boddie, Brittain, Dishongh, Dobson, Harrison, Hinton, Hogan, Hoke, Houston, Kerr, Lilley, Martin, Massey, Moffitt, Morris, Parham, Seawell, Skinner, Stedman, Toomer, Tyson, Vanhook, Wilder.

The question then recurring on agreeing to the amendment proposed by the House of Commons, it was decided in the affirmative. Ayes 24. Noes 24; the Speaker voting in the affirmative. The ayes and noes being demanded by Mr. Montgomery, of Orange, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allison, Askew, Bailey, Boddie, Brittain, Dishongh, Dobson, Harrison, Hogan, Hoke, Houston, Lamb, Lilley, Massey, Montgomery, of H., Morris, Moye, of G., Moye, of P., Parham, Seawell, Spaight, Stedman, Toomer, Wilder.

Those who voted in the negative are, Messrs. Cowper, Faison, Gavin, Hall, Hawkins, Hinton, Howell, Kerr, Latham, Martin, Mathews, Melvin, Moffitt, Montgomery, of O., Norman, Parker, Ray, Skinner, Spencer, Tyson, Vanhook, Wellborn, Williams, Wilson.

And a message was thereupon sent to the House of Commons informing them thereof, and the bill was ordered to be enrolled.

Mr. Toomer presented a bill, entitled, "a bill amendatory of an act, passed at the present session, entitled, an act to authorise the issuing of a grant to Amos Curtis and others for a camp ground;" which was read the first, second and third times and passed and ordered to be engrossed.

On motion of Mr. Bailey, ordered, that Thomas W. Norman, the senator from the county of Granville, have leave of absence, from and after this day, for the remainder of the session.

On motion of Mr. Spaight, ordered, that John L. Bailey, the senator from the county of Pasquotank, have leave of absence, from and after this day, for the remainder of the session.

Received from the House of Commons a message, stating that they have passed the engrossed bill, entitled, "a bill to incorporate Oak Grove Academy, in Bertie county;" in which they ask the concurrence of the Senate; whereupon the said bill was read the first, second and third times and passed. and ordered to be enrolled.

Received also from the House of Commons a message, stating that they have passed the engrossed "bill to exempt from execution a certain portion of the farming utensils and household and kitchen furniture of the citizens of this State;" in which they ask the concurrence of the Senate; whereupon the said bill was read the first time and passed, and being read the second time, Mr. Mathews moved that the further consideration thereof be postponed indefinitely, which was agreed to. Ayes 25. Noes 23. The ayes and noes being demanded by Mr. Hinton, are as follows, to wit:

Those who voted in the affirmative are, Messrs. Allison, Bailey, Boddie, Dobson, Gavin, Harrison, Howell, Hussey, Kerr, Lamb, Massey, Mathews, Melvin, Moffitt, Montgomery, of H., Moye, of G., Skinner, Spaight, Spencer, Toomer, Tyson, Vanhook, Wilder, Williams, Wilson.

Those who voted in the negative are, Messrs. Askew, Brittain, Cowper, Dishongh, Faison, Hall, Hawkins, Hinton, Hogan, Hoke, Houston, Latham, Lilley, Martin, Montgomery, of O., Morris, Moye, of P., Norman, Parham, Parker, Ray, Stedman, Wellborn.

Received also from the House of Commons a message, stating that they have passed the following engrossed resolutions, to wit: "A resolution in favor of J. Gales and Son; and a resolution of thanks to Colonel Isaac T. Avery;" in which they ask the concurrence of the Senate; whereupon the first mentioned resolution was read the first, second and third times and passed, and ordered to be enrolled; and the last mentioned resolution was read and adopted, and ordered to be enrolled.

And then the Senate adjourned until this afternoon, 4 o'clock.

THURSDAY AFTERNOON, 4 O'CLOCK.

A message was sent to the House of Commons, stating that the Senate have passed the following engrossed bills, to wit: "A bill to revise and continue in force, in the town of Washington, the provisions of an act, passed in the year 1824, entitled, an act to provide against the introduction and spreading of contagious or infectious diseases in this State; and a bill amendatory of an act, passed at the present session, entitled, an act to authorise the issuing of a grant to Amos Curtis and others for a camp ground;" in which they ask the concurrence of that House.

Mr. Seawell, from the committee on the judiciary, returned to the Senate the various references which had been made to that committee, and which they had been unable to act upon, and asked to be discharged from the further consideration of the various subjects thus referred; which was agreed to, and the committee was discharged accordingly.

The engrossed resolution in favor of David Caldwell, was read the second time, and resolved that the same shall not pass; whereupon, on motion of Mr. Allison, ordered, that he have leave to withdraw from the files of the Senate the papers accompanying the aforesaid resolution.

Mr. Hinton presented the following resolution, to wit:

Resolved, That the Public Treasurer, be, and he is hereby authorised and directed to subscribe for the use of the State for as many shares of the capital stock of the bank of North Carolina, chartered at the present session, as all the money in the Public Treasury, or subject to the order of the Treasurer, to whatever fund the same may belong, (not immediately needed for the public use) will pay for, as soon as the said Bank goes into operation.

Which was read the first, second and third times and passed, and ordered to be engrossed.

Received from the House of Commons a message, stating that they do not concur in the amendment proposed by the Senate to the amendment proposed by the House of Commons, to the engrossed bill to extend the provisions of an act, passed at the last session, entitled, an act to abolish the offices of county trustee and treasurer of Public buildings, in the counties of Richmond, Columbus, Sampson and Robeson, to the counties of Halifax, Nash and Beaufort; whereupon, on motion of Mr. Mathews, ordered, that a message be sent to the House of Commons, stating that the Senate insist on their amendment to the amendment proposed by the House of Commons to the said bill.

Received also from the House of Commons a message, stating that they have passed the engrossed bill amendatory of an act, passed at the present session, entitled, an act to authorise the issuing of a grant to Amos Curtis and others for a camp ground, with an amendment; in which they ask the concurrence of the Senate; whereupon the said amendment was read and concurred in; and a message sent to the House of Commons informing them thereof.

A message was sent to the House of Commons, stating that the Senate have passed the engrossed resolution, directing the Public Treasurer to subscribe for shares in the Bank of North Carolina; in which they ask the concurrence of that House.

Received from the House of Commons a message, stating that they concur in the proposition of the Senate, that the two Houses adjourn on to-morrow morning *sine die*.

Received from the House of Commons a message, stating that they insist upon their amendment to the amendment proposed by the Senate, to the engrossed bill to enact, with sundry alterations and additions an act, entitled, "an act incorporating the Portsmouth and Roanoke Rail-road Company, and for other purposes," passed by the Legislature of Virginia, on the 8th day of March, 1832; whereupon Mr. Dishongh moved that the said bill and amendment be laid upon the table; which was not agreed to. Mr. Montgomery, of Orange, moved that a Committee of Conference be appointed, to take into consideration the disagreeing votes of the two Houses; which was not agreed to. Mr. Montgomery, of Hertford, moved that the Senate recede from their disagreement to the amendment proposed by the House of Commons to the amendment of the Senate, which motion was agreed to, and the House of Commons was informed thereof by message; and the said bill was ordered to be enrolled.

On motion of Mr. Hussey, ordered, that he have leave to withdraw from the files of the Senate the petition of Wilson Hodges, of Duplin county, presented at the present session.

And the Senate then adjourned until to-morrow morning, 6 o'clock.

FRIDAY MORNING, 6 O'CLOCK, JANUARY 11, 1833.

A motion was made by Mr. Lamb to reconsider the vote taken on yesterday on the rejection of the engrossed bill, entitled, "a bill to exempt from execution a certain portion of the farming utensils and household and kitchen furniture of the citizens of this State;" and on the question, will the Senate reconsider the said vote? it was decided in the negative.

Received from the House of Commons a message, informing the Senate, that having acted on all the business brought before them, they are now ready to adjourn without day; whereupon, on motion of Mr. Askew, ordered, that a message be sent to the House of Commons, informing that House that the Senate, having also acted on all the business before them, are also ready to adjourn without day.

Whereupon, on motion of Mr. Wilson,

Resolved unanimously, That the thanks of this House are due to the Hon. William D. Mosely, Speaker thereof, for the able, dignified and impartial manner in which he has discharged the duties of the Chair during the present session.

The Speaker thereupon made his acknowledgments to the Senate, and adjourned the same *sine die*.

W. D. MOSELEY, S. S.

By order.

SAMUEL F. PATTERSON,

Clerk of the Senate.

Journal of the Senate of the State of New York
January 11, 1871
The Senate met at 10 o'clock, and the following business was transacted:
The report of the Committee on the petition of the
people of the State of New York, for the
repeal of the act in relation to the
sale of liquor, was read and the
question was put, "Resolved, That the
Senate do pass the same?" The yeas
were 24, and the nays 12.
The report of the Committee on the
petition of the people of the State of
New York, for the repeal of the act in
relation to the sale of liquor, was read
and the question was put, "Resolved,
That the Senate do pass the same?"
The yeas were 24, and the nays 12.
The report of the Committee on the
petition of the people of the State of
New York, for the repeal of the act in
relation to the sale of liquor, was read
and the question was put, "Resolved,
That the Senate do pass the same?"
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The report of the Committee on the
petition of the people of the State of
New York, for the repeal of the act in
relation to the sale of liquor, was read
and the question was put, "Resolved,
That the Senate do pass the same?"
The yeas were 24, and the nays 12.

W. D. MORTIMER, R. R.
T. Patterson,
Clerk of the Senate.

JOURNAL OF THE HOUSE OF COMMONS.



At a General Assembly, begun and held in the City of Raleigh, on the third Monday of November, in the year of our Lord one thousand eight hundred and thirty-two, and fifty-seventh Year of the Independence of the United States of America, being the day appointed by Law for the Meeting of the General Assembly, the same being the first Session thereof; the following Members appeared, produced their credentials, were qualified according to Law and took their seats.

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| <i>Anson County</i> , Moses W. Cuthbertson, Thos. D. Park. | <i>Montgomery County</i> , Francis Locke, Pleasant M. Mask. |
| <i>Ashe</i> , Taliaferro Witcher, Jonathan Horton. | <i>Moore</i> , William Wadsworth, John H. Montgomery. |
| <i>Beaufort</i> , Richard A. Bonner, Henry S. Clark. | <i>Nash</i> , Joseph Arrington, George Boddie. |
| <i>Bertie</i> , Lewis Thompson. | <i>New Hanover</i> , Thomas Hill, Lewis H. Mattingly. |
| <i>Bladen</i> , John J. McMillan, Robert Lyon. | <i>Northampton</i> , Roderick B. Garv. Allen Pierce. |
| <i>Brunswick</i> , Samuel A. Laspeyre, John Waddell. | <i>Onslow</i> , George A. Thompson, Joseph Ward. |
| <i>Buncombe</i> , James Weaver, John Clayton. | <i>Orange</i> , Joseph Allison, Priestly H. McGowan. |
| <i>Burke</i> , Alney Burgin, Francis P. Glass. | <i>Pasquotank</i> , William T. Relfe, Frederick Sawyer. |
| <i>Cabarrus</i> , George Ury. | <i>Perquimans</i> , Joseph W. Townsend, Deane Mullen. |
| <i>Camden</i> , Benjamin D. Harrison, Thomas Tillet. | <i>Person</i> , Benjamin Sumner, Robert Jones. |
| <i>Carteret</i> , Otway Burns, David W. Borden. | <i>Pitt</i> , Thomas Jordan. |
| <i>Caswell</i> , Barzillai Graves, Littleton A. Gwynn. | <i>Randolph</i> , Alexander Cunningham, Abner Brower. |
| <i>Chatham</i> , John S. Guthrie, Hugh McQueen. | <i>Richmond</i> , Isaac Dockery, Duncan McLane. |
| <i>Chowan</i> , Joseph H. Skinner, Baker F. Welch. | <i>Robeson</i> , Alexander Watson, Benj. Lee. |
| <i>Columbus</i> , Josiah Minnitsby, Caleb Stephens. | <i>Rockingham</i> , Benjamin Seale, Philip H. Rowan. |
| <i>Craven</i> , Abner Eartly, Willie M. Nelson. | <i>Rowan</i> , Thomas G. Polk, Richmond Pearson. |
| <i>Cumberland</i> , David M. McNeill. | <i>Rutherford</i> , Thomas Dewes, Asmyn B. Vine. |
| <i>Currituck</i> , John B. Jones, Benjamin T. Simmons. | <i>Sampson</i> , Archibald Monk, Dickson Searles. |
| <i>Davidson</i> , William Wiseman, Henry Ledford. | <i>Stokes</i> , John F. Poindexter, Leonard Zipp. |
| <i>Duplin</i> , Joseph Gillespie, Alex. O. Grady. | <i>Surry</i> , Thomas J. Word, Daniel W. Courtenay. |
| <i>Edgemcombe</i> , Gray Little, John W. Potts. | <i>Tyrrell</i> , Charles McCleese, Sam. B. Spivey. |
| <i>Franklin</i> , Alfred A. Lancaster, Nathaniel R. Tunstall. | <i>Wake</i> , Nath. G. Rand, Charles L. Hinton. |
| <i>Gates</i> , Whitwell Stallings, John Willey. | <i>Warren</i> , John Bregg, Thomas J. Judkins. |
| <i>Granville</i> , Spencer O'Brien, John C. Eddley. | <i>Washington</i> , Samuel Hardison, Joseph Norman. |
| <i>Greene</i> , James Harper, John Beemond. | <i>Wayne</i> , John B. Hurst, Patrick S. Caldwell. |
| <i>Halifax</i> , Charles Gee, John R. J. Daniel. | <i>Wilkes</i> , Wm. C. Emmett, John Sainton. |
| <i>Haywood</i> , John L. Smith. | <i>Town of Salisbury</i> , Burton Craige. |
| <i>Hertford</i> , Isaac Carter, Thomas V. Roberts. | <i>Wilmington</i> , Daniel Sherwood. |
| <i>Hyle</i> , Daniel Murray, Foster Jarvis. | <i>Fayetteville</i> , Louis D. Henry. |
| <i>Iredell</i> , Solomon Lowdermilk, George F. Davidson. | |
| <i>Johnston</i> , John McLeod, Josiah Adams. | |
| <i>Jones</i> , Nathan Foscue, John H. Hammond. | |
| <i>Lenoir</i> , Allen W. Wooten, Council Wooten. | |
| <i>Lincoln</i> , Miles W. Abernathy, Henry Canaler. | |
| <i>Macon</i> , James Whitaker, Asaph Enloe. | |
| <i>Martin</i> , James L. G. Baker, John Cloman. | |
| <i>Mecklenburg</i> , John Harit, James Dougherty. | |

A quorum consisting of a majority of the whole number of members being present, Mr. Gwynn moved that Samuel T. Sawyer, the member elect from the town of Edenton, be appointed Speaker; and Mr. McMillan moved that Louis D. Henry, the member representing the town of Fayetteville, be added to the nomination. The House thereupon proceeded to ballot under the superintendence of Mr. Gwynn and Mr. McMillan, who, upon counting the ballot, reported that Louis D. Henry had received a majority of the whole number of votes, and was duly elected. The House concurred in the report and Mr. Henry was conducted to the Chair by Mr. McMillan, from which he made his acknowledgments to the House in an appropriate address.

On motion of Mr. Clayton, Charles Manly was unanimously appointed Principal Clerk, and Edmund B. Freeman, Clerk Assistant.

Mr. Hinton moved that Richard Roberts be appointed Doorkeeper, which was agreed to, and Messrs. John J. C. Wiatt, John Lumsden, John Cooper, Levi Wilkinson, Thompson Parham, Benj. Jones, Willie H. Williams and William Stokes were nominated for the appointment of Assistant Doorkeeper. A balloting was then had, under the superintendence of Mr. Bragg and Mr. Hinton, who, upon counting the votes, reported that no person had received a majority of the whole number. The report was concurred in, and thereupon the House adjourned until to-morrow morning, 10 o'clock.

TUESDAY, NOVEMBER 20, 1832.

Ninian Edmonston, one of the members elect from the county of Haywood, and Allen Peebles and David Thomas, the representatives of the county of Guilford, appeared, produced their credentials, were qualified and took their seats.

The House proceeded, on motion, to ballot for an Assistant Door-keeper, under the superintendence of Mr. Bragg and Mr. Hinton, who reported that there was no election. The report was concurred in, and, on motion of Mr. Summitt, the House again proceeded to ballot for this officer, M. O'Brien and T. Bonner being appointed superintendents.

On motion of Mr. Sumner,

Resolved, That a select committee of five members be appointed by the Speaker, to prepare and report Rules for conducting the business of the House during the present session; and until such report be made and confirmed, that the Rules adopted by the House at the last session be observed;

whereupon the Speaker appointed Messrs. Sumner, Sawyer, Polk, Bragg and Pearson to compose said committee.

Mr. O'Brien, from the committee appointed to conduct the balloting for a door-keeper, reported that no one had received a majority of the whole number of votes: the report was concurred in; and, on motion of Mr. Santclair, the balloting, under the superintendence of the same committee, took place immediately.

A message was received from the Senate, informing of the organization of the body, and of the appointment of William D. Mosely, Speaker; Samuel Patterson, Principal Clerk and William J. Cowan, Clerk Assistant; Thomas B. Wheeler, Principal and Green Hill, Assistant Doorkeepers, and their readiness to proceed on public business.

Mr. O'Brien, from the committee appointed to conduct the balloting for a door-keeper, reported that John Cooper had received a majority of the whole number of votes and was duly elected. The report was concurred in.

On motion of Mr. O'Brien,

ordered, that a message be sent to the Senate, informing them of the organ-

ization of this House, and of their readiness to co-operate with that body in the despatch of public business.

On motion of Mr. Gary,

Ordered, that a message be sent to the Senate, proposing to ballot immediately for three Engrossing Clerks, and informing that Daniel Coleman, Thomas G. Stone and John W. Covington are nominated for the appointment. The names of Isaac C. Patridge and Thomas L. West were, on motion, added to the nomination.

A message from the Senate concurring in this proposition, and informing that Messrs. Montgomery, of Hertford, and Martin form their balloting committee. Ordered, that the Senate be informed, that Messrs. A. W. Wooten and Courts form said Committee on the part of the Commons.

On motion of Mr. McLeod,

Ordered, that a message be sent to the Senate, proposing to raise a select joint committee, whose duty it shall be to wait upon His Excellency the Governor, and inform him of the due organization of both branches of the Legislature, and of their readiness to receive any communication which he may see fit to make. Said committee, on the part of the Commons, consists of Messrs. McLeod and Shepard.

A message from the Senate concurring in this proposition of the House, and informing that Messrs. Williams and Hoke compose their committee.

Mr. Shepard, from the select joint committee appointed to carry into effect the foregoing order of the two Houses, reported that they had discharged their duty, and that he was authorised to say, that the Governor would, on tomorrow, at 12 o'clock, make a communication in writing to the General Assembly.

Mr. Courts, from the committee appointed to conduct the balloting for three Engrossing Clerks, reported that Daniel Coleman, John W. Covington and Thomas G. Stone had each received a majority of the whole number of votes, and were duly elected. The report was concurred in; and thereupon the House adjourned until to-morrow morning, at 10 o'clock.

WEDNESDAY, NOVEMBER 21, 1832.

David Outlaw, one of the members elect from the county of Bertie, and John D. Eccles, one of the members from the county of Cumberland appeared, produced their credentials, were qualified and took their seats.

Mr. Graves submitted the following resolution:

Resolved, That the Speaker of this House be requested to assign seats within the Bar to one or more stenographers.

This resolution, on motion of Mr. Bragg, was laid on the table.

Mr. Sumner, from the committee heretofore appointed to prepare Rules of Order for the government of this House during the present session, reported the following, viz.

TOUCHING THE DUTY OF THE SPEAKER.

I. He shall take the Chair every day, precisely at the hour to which the House shall have adjourned on the preceding day; shall immediately call the members to order, and, on the appearance of a quorum, shall cause the Journal of the preceding day to be read.

II. He shall preserve decorum and order; may speak to points of order, in preference to other members, rising from his seat for that purpose, and shall decide questions of order, subject to an appeal to the House by any member. On which appeal, no member shall speak more than once, unless by leave of the House.

III. He shall rise to put a question, but may state it sitting.

IV. Questions shall be distinctly put in this form, to wit: "As many as are of opinion that, as the question may be, say Aye:" and after the affirmative voice is expressed, "As

many as are of a contrary opinion, say No." If the Speaker doubt, or a division be called for, the House shall divide: those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative. If the Speaker still doubt, or a count be required, the Speaker shall name two members, one from each side, to tell the members in the affirmative; which being reported, he shall then name two others, one from each side, to tell those in the negative; which being also reported, he shall rise and state the decision to the House.

V. The Speaker shall examine and correct the Journal before it is read. He shall have a general direction of the Hall. He shall have the right to name any member to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment.

VI. All committees shall be appointed by the Speaker, unless otherwise specially directed by the House.

VII. In all cases of ballot by the House, the Speaker shall vote. In other cases he shall not vote, unless the House be equally divided; or unless his vote, if given to the minority, will make the division equal; in case of such equal division, the question shall be lost.

VIII. The Speaker shall arrange the orders of the day, unless the House shall otherwise direct.

IX. All acts, addresses and joint resolutions, shall be signed by the Speaker; and all writs, warrants or subpoenas, issued by order of the House, shall be under his hand and seal, attested by the Clerk.

X. In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker, or Chairman of the committee of the whole, shall have power to order the same to be cleared.

XI. Stenographers wishing to take down the debates may be admitted by the Speaker, who shall assign such places to them on the floor or elsewhere to effect their object, as shall not interfere with the convenience of the House.

ORDER OF BUSINESS OF THE DAY.

XII. As soon as the Journal is read, the Speaker shall call for petitions from the members. The petitions having been presented and disposed of, reports, first from the standing, and then from the select committees, shall be called for and disposed of. The above business shall be done at no other part of the day, except by permission of the House.

XIII. The unfinished business in which the House was engaged at the last preceding adjournment, shall have the preference in the orders of the day; and no motion or any other business shall be received, without special leave of the House, until the former is disposed of.

OF DECORUM AND DEBATE.

XIV. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat, and respectfully address himself to the Speaker.

XV. If any member, in speaking or otherwise, transgress the Rules of the House, the Speaker shall, or any other member may, call him to order; in which case, the member so called to order, shall immediately take his seat, unless permitted to clear a matter of fact, or to explain; and the House shall, if appealed to, decide on the case. If there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the House.

XVI. When two or more members rise at the same time, the Speaker shall name the member to speak.

XVII. No member shall speak more than twice on the same question, without leave of the House.

XVIII. Whilst the Speaker is putting any question, or addressing the House, no person shall speak or walk out or across the House; nor, when a member is speaking, entertain private discourse, or pass between him and the Chair.

XIX. No member shall vote on any question, in the event of which he is immediately and directly interested; or in any case when he was not present when the question was put. Upon a division and count of the House on any question, no member without the bar shall be counted.

XX. Every member who shall be in the House when the question is stated, shall give his vote, unless the House, for special reasons, shall excuse him.

XXI. When a motion is made and seconded, it shall be stated by the Speaker; or, if written, it shall be handed to the Chair, and read aloud by the Clerk before debated.

XXII. Every motion shall be reduced to writing, if the Speaker or any two members desire it.

XXIII. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in possession of the House, but may be withdrawn before a decision or amendment.

XXIV. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, to postpone indefinitely, to postpone to a day certain, to commit or amend, which several motions shall have precedence in the order they stand arranged.

XXV. A motion to adjourn shall always be in order, except when the House is voting, and shall be decided without debate.

XXVI. When a question is postponed indefinitely, the same shall not be acted upon again during the session.

XXVII. Any member may call for a division of the question, when the same will admit of it, which shall be determined by the Speaker.

XXVIII. When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the re-consideration thereof on the same or the succeeding day.

XXIX. When the reading of a paper is called for, which has been read in the House, and the same is objected to by any member, it shall be determined by a vote of the House.

XXX. Petitions, memorials and other papers, addressed to the House, shall be presented by the Speaker, or by a member in his place; a brief statement of the contents thereof shall verbally be made by the introducer, and shall not be debated or decided on the day of their being first read, unless when the House shall direct otherwise; but shall lie on the table, to be taken up in the order they were read.

XXXI. No bill, petition, memorial or other papers, that may be introduced, shall be taken out of the possession of the House, or sent to the Senate, until the time for re-consideration shall have elapsed.

XXXII. When the yeas and nays are called for on any question, it shall be on motion before the question is put, and, if seconded, the question shall be decided by yeas and nays; and in taking the yeas and nays, or on a call of the House, the names of the members shall be taken alphabetically.

XXXIII. No member shall be called upon for words spoken in the House, but on the day they were spoken. Decency of speech shall be observed, and personal reflections carefully avoided.

XXXIV. Any twenty members, including the Speaker, shall be authorised to compel the attendance of absent members.

XXXV. No member or officer of the House shall absent himself from the service of the House without leave, unless from sickness or inability to attend.

XXXVI. Any member may excuse himself from serving on any committee at the time of his appointment, if he is a member of two standing committees.

XXXVII. If any member shall be necessarily absent on a balloting committee, or attending to any other temporary business of the House, when the vote is taken upon any question, on entering the House, he shall be permitted upon motion to have his vote recorded.

XXXVIII. In all cases of nominations to this House, they shall be briefly made, unaccompanied with any comment by the members making the same, or any others, unless on leave first obtained of the House.

XXXIX. No standing rule or order shall be rescinded, altered or suspended without one day's notice given of the motion thereof; and to sustain such motion two-thirds of the House shall be required.

COMMITTEES.

XL. Six standing committees shall be appointed at the commencement of the session, to wit: A committee on claims; a committee on propositions and grievances; a committee on education; a committee on agriculture; a committee on internal improvement; and a committee on privileges and elections. Each of said committees shall consist of thirteen members, one from each Congressional District, to be appointed by the members from the counties composing said District. In addition to the above standing committees, the Speaker shall appoint another, two members from each Judicial Circuit, to be denominated the committee on private bills.

XLI. A select standing committee, consisting of nine members, shall be appointed at the commencement of the session by the Speaker, and be denominated "the committee on the judiciary."

XLII. Select committees shall consist of five members. It shall be the duty of the person first named on any committee to cause the members of the committee to convene when necessary; and when so convened, they shall appoint some one of their number Chairman.

XLIII. In forming a committee of the whole House, the Speaker shall leave his Chair, and a Chairman to preside in committee shall be appointed by the Speaker.

XLIV. Upon bills committed to a committee of the whole House, the bill shall be first read throughout by the Clerk, and then again read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the House. After report, the bill shall again be subject to be debated and amended by clauses, before a question on its passage be taken.

XLV. All amendments made to an original motion in committee, shall be incorporated with the motion, and so reported.

XLVI. All questions, whether in committee, or in the House, shall be propounded in the order in which they were moved; except that in filling up blanks, the largest sum and longest time shall be first put.

XLVII. The rules of proceeding in the House shall be observed in a committee of the whole House, so far as they may be applicable, except the rule limiting the times of speaking.

XLVIII. In a committee of the whole House, a motion that the committee rise, shall always be in order, and shall be decided without debate.

OF BILLS, RESOLUTIONS, &c.

XLIX. Every bill shall be introduced by motion for leave or by order of the House on the report of a committee.

L. Every bill shall receive three several readings in the House previous to its passage; and the Speaker shall give notice at each, whether it be the first, second or third. The first reading of a bill shall be for information, and if opposition be made to it, the question shall be, "Shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

LI. Upon the second reading of a bill, the Speaker shall state it as ready for commitment or amendment; but no bill shall be amended upon its third reading without commitment.

LII. All bills shall be despatched in order as they were introduced, unless when the House shall direct otherwise; but no public bill shall be twice read on the same day, without the concurrence of two-thirds of the members present.

LIII. All resolutions which may grant money out of the Treasury, shall be treated in all respects in a similar manner with public bills.

LIV. When a bill is introduced to repeal a public law, or any part thereof, the law, or part intended to be repealed, shall be read at each separate reading of the bill.

LV. When a bill has been once rejected, no other upon the same subject shall be introduced again during the session.

LVI. The Clerk of the House shall be deemed to continue in office until another is appointed.

The foregoing Rules were read and adopted, and, on motion of Mr. Emmet, ordered to be printed in connexion with the Rules of the Senate, the joint Rules of the two Houses, the Constitution of this State and of the United States, one copy for each member of the House.

A message from the Senate proposing that a joint select committee of five, on the part of each House, be appointed to revise the joint rules of order for the government of the two Houses; and informing that Messrs. Wellborn, Leake, Matthews, Montgomery, of Orange, and Askew form their committee.

The proposition was concurred in and Messrs. Graves, Hinton, McMillan, Burgin and Borden appointed to compose said committee on the part of the Commons, and the Senate so informed.

On motion of Mr. Long the House proceeded, under the Rules of Order, to the appointment of the following standing committees, viz.

A Committee of Claims—Consisting of Messrs. Sawyer, Clark, G. A. Thompson, Watson, Hinton, Barringer, Emmet, Gary, C. Wooten, Bragg, Settle, Guthrie and Weaver.

Propositions and Grievances.—Messrs. Townsend, Spruill, Gillespie, Cuthbertson, Polk, Peoples, Saintclair, Outlaw, Hartly, Boddie, Sumner, Abernathy and Enloe.

Education.—Messrs. S. T. Sawyer, Potts, Hill, McLaurin, Gwynn, Doherty, Courts, Daniel, Harper, Bidley, Faddis, McQueen and Irvine.

Agriculture.—Messrs. Tillett, Jordan, McMillan, Wadsworth, Thomas, Ury, Witcher, Gee, McLeod, Lancaster, Rand, Wiseman and Burgin.

Internal Improvement.—Messrs. John B. Jones, Norman, Monk, McNeill, Irion, Cansler, Word, L. Thompson, Borden, Tunstall, Mangum, Craige and Whitaker.

Privileges and Elections.—Messrs. Skimmer, Bonner, Ward, Mask, Poindexter, Hartt, Davidson, Baker, Cromwell, O'Brien, R. Jones, Cunningham and Glass.

Mr. Bragg gave notice that he should on to-morrow move for the appointment of an additional standing committee, to be denominated the committee on private bills.

The Speaker laid before the House the annual report of the Public Treasurer; which, on motion of Mr. O'Brien, was ordered to be sent to the Senate, with a proposition that the said report, together with all the accompanying documents and exhibits be printed, one copy for each member of the General Assembly.

Mr. Pearson presented the petition of Richard H. Alexander, praying that the seat of Burton Craige, the sitting member from the town of Salisbury be vacated, and that the petitioner be permitted to qualify in his stead.

The said petition was, on motion of Mr. Pearson, referred to the committee on privileges and elections.

The following resignations, viz. of John P. Dunn, of Lenoir, John D. McMillan, Aaron Kennedy and John Allen, of Montgomery, of John Michal, of Lincoln and of Aaron Askew, of Bertie county, justices of the peace, were received from the Senate, endorsed, read and accepted, and were also read and accepted by this House.

Received from His Excellency the Governor, by His Private Secretary, Mr. William R. Hill, the following communication.

To the honorable the General Assembly of the State of North-Carolina.

GENTLEMEN:—The meeting of the Representatives of Freemen in all countries where Freedom exists, is at all times an interesting spectacle; and when it is considered that they come from their homes—from their fire-sides, and relinquish the comforts of domestic life to attend to their public duties:—When they make great sacrifices of time, and of their private concerns, prompted by no other motive than the public good; claiming nor expecting no other reward than that of an approving conscience; it is not an easy task properly to estimate the sum of gratitude which is due from the People to their faithful Representatives. On the present occasion, suffer me to congratulate you upon the appearance of general prosperity in the State, and for the enjoyment of a common share of health by its citizens, at a time when other portions of the world have been visited by a most afflicting malady. For these blessings of health and prosperity, we have reason to be thankful to Almighty God. And it gives us just cause to rely with confidence upon His continued mercy in averting the calamities which threaten the peace and harmony of our beloved country. For it is not to be denied nor disguised from ourselves, that the measures recommended by an excited portion of the Southern people, if persisted in, must have a tendency to weaken the ties which have heretofore so happily united us together as a nation. Whatever may be the issue of this struggle, I rejoice that the people of North Carolina have wisely avoided any interference calculated to disturb the public tranquility. It is in vain that we look for perfection in any human institutions: an overruling Providence has ordained it to be otherwise: but so far as we have been taught by the experience of nearly fifty years under our present form of Government, we have had reason to be satisfied with it; and it is hoped that we shall cling to the Union of the States as now connected, without adventuring upon hazardous experiments to change the terms of that connexion.

Having been appointed by the President of the United States a commissioner to treat with the Indians, and for other purposes, I have thought it my duty to accept the appointment, inasmuch as the peaceable settlement and location of the Indians removing beyond the Mississippi, is a matter of great importance to the United States, and not less so to North Carolina; especially as regards the removal of that portion of the Cherokee nation now residing within the limits of this State. It is known to many of you; that these Indians have for a long time been orderly and peaceable, and their conduct has not made it necessary for the Legislature of North Carolina to extend the laws of the State over the Terri-

tory they occupy, or in any manner to interfere with their concerns, except for the purpose of protection. They deserve the fostering care of the General Government, and I have no doubt will receive it.

In retiring from the duties of my station, it has been my earnest desire and intention, that no part of the business committed to my care by the Legislature, should be neglected; and it is believed, that my retirement at this time will cause no inconvenience in any department of the government. With this determination, I have devoted my whole time and exerted my feeble talents in promoting the success of such special objects as the Legislature, by Resolution or otherwise, has directed. Under these circumstances I have deemed it inexpedient and unnecessary to offer any general recommendations for your consideration; confining myself to the task of rendering you a faithful account of the manner in which I have executed the trusts confided to me.

A Resolution of the General Assembly directed that a "contract should be made with Mr. Ball Hughes for the restoration of the Statue of Washington, upon the basis of the principles set forth in the Report of the joint select committee on that subject." In obedience to this Resolution, a written contract was made with Mr. Hughes, and some time in May last he commenced the undertaking, and so far as I was able to judge, in a manner conformable to the principles laid down in the Report. Being desirous of removing his family and materials to this place, he returned to New York about the 1st of July, under an express promise to return and prosecute the work in fifteen days. With a confident reliance upon this promise, and to facilitate the speedy removal of his family, his workmen and materials, a sum of money was advanced, perhaps beyond the portion of labor done according to the terms of the contract. Of this, however, I confess myself not a competent judge. The whole sum advanced to Mr. Hughes amounts to two thousand eight hundred dollars. Mr. Hughes finding, as I understand from him, that sickness prevailed to an alarming extent in New York, he removed with his family to New Jersey, and has not returned to North Carolina. He has since requested that the moulds and casts for the repair of the Statue should be forwarded to New York, where he intended to prosecute the work. I thought proper to forbid the removal of any thing pertaining to the Statue, as the contract requires that the repairs shall be made at Raleigh. The contract, together with the letters of Mr. Hughes, are herewith submitted.

A Resolution of the General Assembly directs, that "all the Maps, Drafts and Plans, lately in the possession of the Engineer of this State, shall be placed in the Executive Office, and that they be repaired at the expense of the State, and be kept under the direction of the Governor, subject to the further disposition of the General Assembly." This duty has been performed, and the Maps, Drafts and Plans have been repaired, and are securely deposited in the Executive Office.

The Resolution directing the "employment of an Agent to arrange in proper order all the papers belonging to the Senate and House of Commons, and others, which were saved during the conflagration of the State House, and that they be delivered to the proper officers of the State," has been complied with, so far as the assorting and arrangement; but owing to the want of sufficient cases and shelves in the Government House, to hold the papers belonging to the Senate and House of Commons, they have been carefully labelled and filed in a room in the office of the Secretary of State, subject to such disposition as the General Assembly may hereafter make. This arrangement was a laborious one, and has been faithfully performed by my Private Secretary, Mr. William R. Hill, the former Librarian of the State.

The Acts of Assembly establishing Rail-roads have been attended to. Considerable difficulty and delay occurred in procuring an Engineer to make the Surveys required. The services of Mr. Francis W. Rawle, of Pennsylvania, were at last obtained, and he has been engaged in the Survey of both routes, which it is hoped will prove satisfactory. As soon as the Surveys are completed, a particular Report on that subject, as well as on other subjects which engaged the attention of the Board of Internal Improvements, will be laid before you, by the remaining members of the Board.

Pursuant to the Resolution directing the "Dredging machine belonging to the State to be secured in such manner as to preserve it from ruin," I gave directions for Capt. Baimey, in whose possession it was, to deliver it to Gen. Edward B. Dudley of Wilmington, for the purpose of having it secured. On examination it was found that the vessel containing the machine was so much decayed as to be unfit for use; that the machine itself was greatly injured; and that it would cost the State a considerable sum of money to have it taken to pieces and stored in safety. In the opinion of many persons, the cost would be more than the machine was worth. Under these circumstances, I have

directed it to be delivered to the Cape Fear Navigation Company, in which the State is much interested; and their agent has engaged that it shall be taken care of.

The Resolution directing the appointment of some "intelligent person to act on the part of the State, in collecting testimony, and causing such Surveys as may be necessary to the just prosecution of the suit pending in the Supreme Court in the name of the Attorney General for vacating certain grants made by this State;" has been attended to, and I have appointed for this purpose, Thomas Dews, Esquire, of Rutherford, in whose integrity and capacity I have the most perfect reliance.

With respect to the Resolution in favor of the Sisters of the full blood of James N. Forsythe, I have felt myself somewhat at a loss how to proceed. No claim has been made for the money, nor do I know where the family resides. I have not made the transfer of the shares to the State as directed by the Resolution inasmuch, as in my absence, there was no person authorized to receive and pay away the money appropriated for the said four shares. - I have therefore left the shares as they were, and have deposited in the State Bank, the money placed in my hands as Guardian, *ex officio*, of James N. Forsythe, amounting to 174 dollars 50 cents. This money is subject to the draft of my successor in office. The Certificate of stock of the four shares, is left in the hands of the Public Treasurer.

The Resolution requiring the Governor to "appoint some person resident in the City of Raleigh, who shall correspond with different persons in this State for the purpose of procuring copies of the Acts and Journals of the General Assembly," to replace those destroyed by the burning of the State House and Public Library, has been attended to; and Mr. Joseph Gales, of Raleigh, has been appointed for that purpose. The progress he has made in performing the duty required, shew that the business could not have been placed in better hands.

The Resolution requiring the "Governor to make application to the proper authorities of the United States for as many pistols and sabres as may be necessary to supply such troops of Cavalry as are now organized or are about to be organized, within this State," has been complied with, and one thousand pair of pistols and five hundred sabres have been received from the United States, as part of this State's quota of public arms. They have been partly distributed agreeably to the law on that subject, and the remainder are in the Arsenal at Fayetteville.

In obedience to the Resolution directing the "Mathematical Instruments belonging to the State, and formerly attached to the Engineer's Department, to be collected and placed under the care of D. H. Bingham, of the City of Raleigh, an order was issued to that effect, and many of the instruments are now in the hands of Mr. Bingham. It is to be regretted that they were much injured before they came into his possession, and some of them rendered unfit for use without repairs. A list of those collected, is herewith furnished.

Since the adjournment of the Legislature, I have received from the Secretary of State of the United States, a number of copies of the Acts of the second session of the twenty-first Congress, which are in the Executive office, subject to your order for their distribution. I have also received from the same source, three copies of the 'Fifth Census, or enumeration of the inhabitants of the U. S. taken in 1830, to which is prefixed a schedule of the whole number of persons within the several districts of the U. S. taken according to the Acts of Congress of 1790, 1800, 1810 and 1820,' one for the Executive office, and one for each House of the General Assembly. This is a valuable document, and will be delivered to you by my private secretary with this message.

An elegant Map and Atlas, with statistical views of the state of Maine, has by the direction of the Legislature of that state been presented to North Carolina: and I beg leave to recommend that a similar donation be made in return, as soon as the new Map of this State is completed.

I have received communications from the Governors and Legislatures of several states, which I am requested to lay before you. Those from Massachusetts, relate to the unsettled question of the North East boundary of the United States. Those from Tennessee relate to the subject of the public lands of the United States, and to the powers of the General Government to make appropriations for Internal Improvements; and approving the conduct of the President of the United States in placing his veto on the Lexington and Maysville Turnpike Road bill. Those from Louisiana, relate to the establishment of a Rail Road from New Orleans, to pass through the states of Louisiana, Mississippi, Tennessee, Alabama, N. Carolina, and Virginia, to the city of Washington.

The resignations of militia officers and justices of the peace, received since the adjournment of the General Assembly, are laid before you in the file marked A.

In this last act of my political relations with the state of North Carolina, I should be ungrateful in withholding the expression of my unfeigned thanks for the many testimonies of confidence and support which I have received from the Legislature and from the people, in the course of a public life of forty-seven years spent in their service, in various stations: In all of which I have received the most unequivocal proofs of their indulgence. I have the honor to be, gentlemen, your obedient servant,

Executive office, N. C. Nov. 19, 1832.

MONTFORT STOKES.

The foregoing message was read, and, on motion, ordered to be transmitted to the Senate, with a proposition that it be printed, one copy for each member of the General Assembly.

The House then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, NOVEMBER 22, 1832.

The Speaker in obedience to the Rules of Order appointed the following committees. The committee on the judiciary, consisting of Messrs. Pearson, Eccles, O'Brien, Sumner, Bragg, Dewes, Courts, Sawyer, Daniel; and the committee on finance, consisting of Messrs. Polk, Skinner, Gary, Mangum, G. A. Thompson, Emmett, Waddell and Parke.

Mr. Bragg, in pursuance of notice yesterday given, now moved that in addition to the standing committees, the Speaker shall appoint another two members from each judicial circuit, to be denominated the committee on private bills. The motion was agreed to, and Messrs. McCleese, Carter, A. W. Wooten, Shepard, Judkins, Little, Allison, Graves, Montgomery, Dockery, Clayton and Edmonston were appointed to compose said committee.

On motion of Mr. Polk,

Resolved, That so much of the Governor's Message as relates to the contract with Ball Hughes, for restoring the Statue of Washington, be referred to a joint select committee of the two Houses.

Resolved, That so much thereof as relates to the arrangement and disposition of the papers belonging to the Senate and the House of Commons, which were saved from the conflagration of the State House, be referred to a select committee.

Resolved, That so much thereof as relates to the surveys of the Rail-roads, directed by an act of the last General Assembly, be referred to the committee on internal improvement.

Resolved, That so much thereof as refers to the collection of copies of the Acts and Journals of the General Assembly, to replace those destroyed by the burning of the State House, be referred to a select committee, with instructions to report what disposition shall be made of the Acts and Journals already collected, and what compensation shall be made to the commissioner employed in this service.

Resolved, That so much thereof as relates to the communications from the Governors and Legislatures of the States of Massachusetts, Tennessee and Louisiana, be referred to a joint select committee, and that said committee have leave to report by bill or otherwise.

On motion of Mr. Sumner,

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee, to inquire if any and what alterations are necessary to be made in the Congressional Districts of the State, under the last Census and Apportionment of Representatives, and that they have leave to report by Bill or otherwise.

On motion of Mr. Bonner,

Resolved, That the committee on the Judiciary be instructed to inquire whether any, and if any, what provisions are necessary to be made in our laws for the relief of insolvents, so as to enable certain persons when insolvent to be discharged from imprisonment, viz: such persons as are imprisoned for a fine for non-attendance at musters and reviews; also persons imprisoned who have been convicted of an offence which disqualifies them from being heard as a witness in courts; and that they report by bill or otherwise.

Mr. Pearson submitted the following Resolution, which was read the first

second and third times, passed and ordered to be engrossed, and sent to the Senate for concurrence.

Resolved unanimously, by the Senate and House of Commons of the General Assembly of the State of North Carolina, That it is with feelings of profound regret they have received the intelligence of the death of Charles Carroll, of Carrollton, the last of that band of patriots and sages, who proclaimed the Independence of the United States of America, and pledged for its support their lives, their fortunes and their sacred honor: And that this General Assembly, with the people whom then represent, cherish a deep veneration for the virtues, the services and the character of the deceased, and sympathise with his family, his friends and his country, in the bereavement which all have sustained.

Mr. Frederick A. Sawyer presented the petition of Abner H. Grandy praying that the seat of Benjamin D. Harrison, one of the sitting members from the county of Camden may be vacated, which was, on Mr. Sawyer's motion, referred to the committee of privileges and elections.

Mr. Guthrie presented the petition of Thomas Ragland, Admin. of Richard Kennon, deceased, praying to have refunded to him certain monies paid into the Public Treasury by his Intestate, under the confiscation laws of this State, which was, on Mr. Guthrie's motion, referred to the committee of claims.

Mr. Outlaw presented the petition of sundry citizens of Bertie county, asking that a law may be passed, exempting Britton Jones, a free man of color, from the operation of the laws, prohibiting the migration of free negroes into this State. The said petition was, on Mr. Outlaw's motion, referred to the committee of propositions and grievances.

Mr. Eccles presented the certificate of the county court of Cumberland, in favor of Isabella Campbell, a pensioner of the State, showing an allowance made her of forty dollars, as a pensioner for the present year, which was countersigned by the Speaker and ordered to be transmitted to the Senate.

The certificate of the county court of Warren, in favor of Elizabeth Harris, a pensioner, allowing her for the present year ninety dollars, was received from the Senate, countersigned by the Speaker, and was, on Mr. Bragg's motion, ordered to be countersigned by the Speaker of the Commons and returned to the Senate.

A message from the Senate concurring in the proposition of this House, to print the annual report of the Public Treasurer.

Received also from the Senate a message, proposing that said Report, with the accompanying documents and exhibits, be referred to the joint select committee on finance, which was concurred in.

A message from the Senate, proposing that the two Houses ballot immediately for a Solicitor of the first judicial circuit, and informing that John L. Bailey is nominated for the appointment. The proposition was agreed to, and Messrs. Irvine and L. Thompson appointed a committee to conduct the balloting on behalf of the Commons.

A message from the Senate, informing that Messrs. Wilson and Hogan form said committee on their part.

The resignations of Woodson Daniel, of Granville county; of William Hix, of Montgomery county; of Berry Burnett, of Burke and of James Satchwell, of Beaufort county, justices of the peace, and of John Clayton, as colonel-commandant; of George C. Nail, as lieutenant-colonel, and of Isaac Wilkerson, as major of the first regiment of Militia, of the county of Buncombe, were presented, read and accepted.

Mr. L. Thompson, from the committee appointed to conduct the balloting for a Solicitor of the first judicial circuit, reported that John L. Bailey had received a majority of the whole number of votes and was duly elected. The report was concurred in.

And then the House adjourned until to-morrow morning, 10 o'clock.

FRIDAY, NOVEMBER 23, 1832.

Under the resolution of yesterday the Speaker appointed the following committees, viz. Messrs. Courts, Long, J.B. Jones, Sumner, Hinton, to constitute the joint select committee on so much of the Governor's message as relates to the contract with Ball Hughes.

Messrs. O'Brien, Cansler, Townsend, Nelson and McLeod the select committee on so much thereof as relates to the arrangement of the papers of the Senate and House of Commons.

Messrs. Arrington, C. Wooten, Whitaker, Gwynn and Monk, on that part relating to the collection of copies of the Acts and Journals of the General Assembly.

Messrs. Mangum, Shepard, L. Thompson, Guthrie and Poindexter, to compose the joint select committee on the part of the House, on so much of said message as relates to the communications from the Governors and Legislatures of Massachusetts, Tennessee and Louisiana; and

Messrs. Sumner, Pearson, Bragg, Eccles and Potts to compose the joint select committee upon the subject of re-organizing the Congressional Districts.

The Speaker also appointed under the Joint Rules of Order, Messrs. Outlaw, Hill and McQueen to constitute, on the part of the Commons, the joint select committee on the Library.

The resignation of John C. Nash, a justice of the peace of the county of Camden, received from the Senate, endorsed, read and accepted, was also read and accepted in this House. The resignation of Daniel May, a justice of the peace of the county of Anson, was presented, read and accepted.

Mr. McNeill presented the certificate of the county court of Cumberland, in favor of Ann Morrison, a pensioner of the State, shewing an allowance made her of forty dollars for the present year, which was read and countersigned by the Speaker of this House and transmitted to the Senate.

A message from the Senate, proposing that a joint select committee of five from each House, to be styled the committee on military affairs, be appointed, and informing that Messrs. Hawkins, Wilson, Kerr, Marshall and McDowell form said committee on their part. The proposition was concurred in, and Messrs. Ziglar, Ledford, Bonner, Arrington and Marsteller appointed to form said committee on the part of the Commons.

Mr. Peeples presented a bill to repeal an act, passed at the last session of the General Assembly, chapter 121, entitled, an act to autorise the county court of Guilford to appoint overseers and hands to clear out the channel of the Reedy Fork of Haw River, in Guilford county; and Mr. Parke, a bill to authorise Jeremiah Ingram to erect a gate across a public road. Those bills were read the first time and passed, and on motion referred to the committee on private bills.

On motion of Mr. Peeples:

Resolved, That the committee on the Judiciary be instructed inquire into the propriety of amending the act of 1828, entitled an act to amend the law relative to the collection of debts from the estates of deceased persons, as to provide that the real estate shall be charged with the costs incurred in all suits against executors or administrators, when the plea of fully administered is found in favor of the defendants.

On motion of Mr. Brower:

Resolved, That so much of the Governors message as relates to the fund in the hands of the executive, belonging to the Representatives of the late James N. Forsythe be referred to a select committee; said committee consists of Messrs. Brower, Abernathy, Laspeyre, Skinner and Gary.

The resignation of Hodge Raburn, a justice of the peace of the county of Buncombe, was presented, read and accepted.

Mr. Dewes presented a bill to authorise Laxton Lynch, of Rutherford county, to erect certain gates, which was read the first time and passed and referred, on motion of Mr. Outlaw, to the committee on private bills.

Whereupon the House adjourned until to-morrow morning, 10 o'clock.

SATURDAY, NOVEMBER 24, 1832.

Mr. O'Brien, from the committee of privileges and elections, to whom was referred the petition of Abner H. Grandy, contesting the right of Benjamin D. Harrison, of Camden county, to a seat in this House, reported unfavorably thereon, recommending a rejection of the petition, and praying that the committee be discharged from the further consideration of the subject. The report was concurred in.

Mr. Saintclair presented the petition of sundry citizens of Wilkes county, praying to have granted them a small parcel of land, for the purpose of erecting thereon a meeting-house for Christian worship, which was, on Mr. Saintclair's motion, referred to the committee of propositions and grievances.

On motion of Mr. Bragg, ordered, that a message be sent to the Senate, proposing that the two Houses ballot, on Monday next, for a Public Printer, and informing that Lawrence and Lemay and Charles R. Ramsay are nominated for the appointment.

The resignations of Daniel Smith, of Anson county, W. B. Kilpatrick, of Lenoir county and of Evan Ellis and George Wheatley, of the county of Wilkes, justices of the peace, were presented, read and accepted.

The certificate of the county court of Cumberland county, in favor of Isabella Campbell, was returned from the Senate countersigned by the Speaker of that body.

A message was received from the Senate, agreeing to the proposition of this House, to refer so much of the Governor's message as relates to the contract with Ball Hughes to a joint select committee, and informing that Messrs. Boddie, Dobson, Houston, Lilly and Hall compose the committee on the part of the Senate.

A message also from the Senate, agreeing to refer so much thereof as relates to the communications from the Governors and Legislatures of the States of Massachusetts, Tennessee and Louisiana, to a joint select committee, and informing that Messrs. Spaight, Toomer, Williams, Wilson and Skinner form their branch of the committee.

A message from the Senate, informing that Messrs. Skinner, Wilson, Moya, Pitt, Stedman, Carter, Wellborn, Leake and Simmons constitute on their part the committee of finance.

A message from the Senate, proposing to raise a joint select committee, to be composed, on the part of each House, of one member from each of the Congressional Districts in this State, to inquire what alterations, if any, are necessary to be made in said Districts, under the last Census and Apportionment of Representatives.

The proposition was concurred in, and Messrs. Skinner, Gary, Potts, C. Wooten, McMillan, Bragg, Eccles, Sumner, Graves, Pearson, Cansler, Dewes, Emmet were appointed to compose said committee on the part of this House.

A message from the Senate, informing that they had passed the engrossed resolution, relative to the death of Charles Carroll, of Carrollton, with an amendment, and asking the concurrence therein of this House. The amendment was read and concurred in.

A message from the Senate, informing that they had passed the engrossed

bill, to amend the law respecting the appointment of Sheriffs, so far as relates to the county of Surry, and asking the concurrence of this House. The said bill was read the first time and passed. The resignation of Daniel Cross, a justice of the peace of the county of Cabarrus, received from the Senate, was read and accepted. The resignation also of William Selby, a justice of the peace, of _____ county, received from the Senate, was read and accepted.

A message from the Senate, proposing to ballot immediately for Secretary of State, and nominating William Hill, the present incumbent for the office. The proposition was agreed to, and Messrs. Harper and Irion appointed a committee to conduct the balloting on the part of this House.

A message from the Senate, informing that Messrs. Montgomery, of Orange, and Mathews form their committee to conduct said balloting.

A message from the Senate, agreeing to ballot on Monday next for Public Printer.

Mr. Irvine presented a bill to vest in Rutherford county court, power to appoint places of Public Sale in said county; and Mr. Arrington a bill to amend an act, entitled, an act to establish a separate election in each Captain's District, in the county of Nash, passed in the year 1818, chapter 121. These bills were severally read the first time and passed.

Mr. Shepard presented a bill to legitimate and change the name of Daniel Alexander; which was read the first time and passed. Mr. Shepard moved that the bill be now read the second time, and it was read accordingly. Mr. Sumner moved that the bill lie on the table; which was not agreed to; and the question recurring, shall the bill pass its second reading, was decided in the negative.

Mr. F. A. Sawyer presented a bill to amend an act, passed in the year 1821, entitled an act to incorporate a company, entitled the Roanoke Inlet Company and for other purposes, and an act amendatory of the same, passed in the year 1828; and Mr. Clayton a bill to authorise Robert Henry to erect a mill on Hominy creek in Buncombe county. These bills were severally read the first time and passed; and the first named, on motion of Mr. Shepard, was referred to the committee on Internal Improvements, and the latter, on Mr. Pearson's motion, to the committee on private bills.

Mr. Bonner presented a bill fixing a uniform mode of assessment of the real estate, with the improvements thereon; which was read the first time and passed, and, on motion of Mr. Bragg, referred to the committee on finance and ordered to be printed one copy for each member.

Mr. Harper from the committee appointed to conduct the balloting for Secretary of State, reported that William Hill had received a majority of the whole number of votes and was duly elected. The report was concurred in.

And then the House adjourned until Monday morning, 10 o'clock.

MONDAY, NOVEMBER 26, 1832.

James Blowe, one of the members elect from the county of Pitt, and Daniel M. Barringer, one of the members from the county of Cabarrus, appeared this day and were qualified and took their seats.

On motion, leave of absence from this day until Wednesday next was granted to Messrs. Faddis and Mangum.

Mr. Bragg moved that a message be sent to the Senate proposing to postpone to a future day the balloting for Public Printer heretofore agreed on to be held this day; this motion was rejected, and Messrs. Edmonston and Hartly appointed a committee to conduct the balloting immediately. A message from

the Senate, informing that Messrs. Simmons and Faison form the committee to conduct said balloting on their part.

Mr. Gary presented the following resolution;

Resolved, That the committee of Finance be and they are hereby authorised and instructed to burn such treasury notes as may be found in the office of public treasurer unfit for circulation, and report the amount to this Legislature.

The said resolution was read the first time and passed.

Mr. Whitaker presented the petition of sundry citizens of Macon county, praying that Thomas Daves of said county, heretofore convicted and punished for Petit Larceny, be restored to the privileges of a citizen. The said petition was referred to the committee of Propositions and Grievances.

On motion of Mr. Bragg, ordered that a message be sent to the Senate proposing to ballot on Wednesday next for a major general of the fifth division of N. Carolina militia, and informing that Messrs. Alney Burgin and William Horton are nominated for the appointment.

Mr. Edmonston from the committee appointed to conduct the balloting for Public Printer, reported that neither of the persons in nomination had received a majority of the whole number of votes, and that there was no election. The report was concurred in, and thereupon, on motion of Mr. Bragg, it was ordered that a message be sent to the Senate proposing that another balloting be had immediately.

Mr. Bonner presented the following resolution.

Resolved, That the committee on the Judiciary be instructed to inquire whether the criminal laws of this State ought not to be so amended, as to abolish the punishment of *branding*; and that they report by bill or otherwise.

This resolution was read and rejected.

Mr. O'Brien presented a bill to vest the right of electing the clerks of the County and Superior Courts of the several counties within this State in the free white men thereof, and Mr. Saintclair a bill to exempt from execution a portion of the land of the citizens of North Carolina. These bills were severally read the first time and passed, and, on motion, ordered to be printed.

Mr. Pearson presented the following resolution.

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee on the subject of a convention, to be composed of one member from each congressional district on the part of the Senate, and one member from each congressional district on the part of this House; with permission to report by bill or otherwise.

The Speaker decided under the fifty third rule of order that the foregoing resolution must be read three several times in this House, and it was accordingly read the first time and passed.

Mr. Sawyer gave notice that he should on to-morrow move such amendment and modification of said rule as to dispense with the reading of similar resolutions three several times.

Mr. Peebles from the balloting committee for Public Printer reported that no one had received a majority of the whole number of votes. The report was concurred in.

Mr. Guthrie moved that a proposition be made to the Senate to ballot for this officer on to-morrow, which was not agreed to, and on motion of Mr. Ward, ordered that a message be sent to the Senate proposing that said balloting be held immediately. A message from the Senate, concurring in this proposition, and informing that Messrs. Allen and Askew form their balloting committee. Ordered that Messrs. Burgin and F. A. Sawyer form said committee on behalf of the Commons.

A message from the Senate, informing that Messrs Montgomery of Hertford,

Seawell and Allison are appointed on behalf of the Senate the committee on the library; and that Mr. Montgomery of Hertford is added to the joint select committee on military affairs.

A message from the Senate, informing that Messrs. Carter and Hogan form, on the part of the Senate, the committee on enrolled bills. Under the joint rules of order, Messrs. F. A. Sawyer, Ridley, McNeill and Guthrie were appointed to compose said committee on the part of the Commons.

The certificate of the county court of Cumberland county in favor of Ann Morrison, allowing her a pension of forty dollars, was received from the Senate, countersigned by the Speaker of that House.

A message from the Senate, informing that they had passed the engrossed resolution authorising and instructing the committee of finance to burn certain treasury notes in the office of the public treasurer, and asking the concurrence of this House. The said resolution was read the first, second and third times, passed, and ordered to be enrolled.

A message from the Senate, proposing to ballot on Thursday next for Governor of the State, and informing that John Branch and Thomas G. Polk are in nomination for the appointment. The proposition was concurred in.

The resignations of William Joyce, sen., of Stokes county; of James White, of Bertie county, justices of the peace; and of William Scarborough, major of the militia of Hyde county, received from the Senate, were read and accepted.

The resignation of Reuben Allen, a justice of the peace for the county of Beauford, was presented, read and accepted.

Mr. F. A. Sawyer, from the committee appointed to conduct the balloting for Public Printer, reported that Charles Ramsay had received a majority of the whole number of votes and was duly elected. The report was concurred in.

On motion of Mr. S. T. Sawyer,

Resolved, That the Governor be requested to communicate for the information of this House the number of Indians now resident in this State, together with the extent of territory they occupy, the character of their laws and form of government, their habits and pursuits, the nature and design of the aggressions committed upon that region of country by some of the citizens of Georgia and other states; and whether by the laws of this state any authority is vested in the Executive to repel such aggressions and protect said Indians and territory.

Mr. Clayton presented a bill to erect out of a portion of the counties of Burke and Buncombe a separate and distinct county by the name of Yancey; which was read the first time and passed, and, on Mr. Clayton's motion, referred to a select committee: said committee consists of Messrs. Clayton, Burgin, Mangum, Borden and Dockery.

Mr. Bragg presented the following resolutions; which were read and rejected:

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee, whose duty it shall be, in conjunction with the Speakers of both Houses to order and superintend such repairs in the Presbyterian Church and Session House in this city, as may be necessary to adapt them to the accommodation of this General Assembly.

Resolved, That when said committee shall have discharged their duty and reported; both Houses of the Legislature will adjourn to meet again at the Presbyterian Church.

Mr. Bragg moved that the bill to legitimate and change the name of Daniel Alexander, which was rejected on Saturday last, be re-considered; the House agreed to re-consider, when the said bill was read and again rejected.

The bill to vest in Rutherford county courts, the power to appoint places of Public Sale in said county, was read the second and third times, amended on motion of Mr. Whitaker, by extending the provisions of the bill to the county of Macon, passed and ordered to be engrossed.

Mr. P. A. Sawyer presented a bill to amend an act, passed in the year 1829, entitled, an act to authorize the forming of a Fire-Engine Company, in the town of Elizabeth City, which was read the first, second and third times, passed and ordered to be engrossed.

The bill to amend an act, entitled, an act to establish a separate election in each Captain's District, in the county of Nash, passed in the year 1818, chapter 121, was read, and on Mr. O'Brien's motion laid upon the table.

Mr. Long introduced a bill, making an appropriation and appointing commissioners for the rebuilding of the Capitol, in the city of Raleigh.

The said bill was read the first time and passed, and, on motion by Mr. Long, ordered to be printed.

Whereupon the House adjourned until Tuesday morning, 10 o'clock.

TUESDAY, NOVEMBER 27, 1832.

In pursuance of notice yesterday given, Mr. Pearson moved that the whole of the 53d Rule of Order be stricken out, and the following substituted in lieu thereof

RULE 53. All resolutions which may grant money out of the treasury shall be treated in all respects in a similar manner with public bills. The motion prevailed, and the foregoing was by the competent majority adopted as the 53rd Rule of Order.

On motion of Mr. Saintclair:

Resolved, That the committee on the Judiciary be instructed to inquire into the propriety of so amending the 10th section of an act, passed in the year 1741, entitled an act for the better observation and keeping of the Lord's Day, commonly called Sunday, and for the more effectual suppression of vice and immorality, as to provide that the bonds therein required to be given shall in future be made payable to the chairman of the county court for the time being and his successors; and that they report by bill or otherwise.

On motion of Mr. J. B. Jones,

Resolved, That the committee on military affairs be instructed to inquire into the expediency of so amending the military laws as to exempt the militia company of Knot's Island from attending general and battalion musters at Currituck courthouse; and that they report by bill or otherwise.

On motion of Mr. McNeill,

Resolved, That the committee on military affairs be instructed to inquire into the expediency of so amending the militia laws as to exempt such persons as have held commissions and discharged the duties assigned them for the term of five years, from the performance of military duty afterwards, except in cases of invasion or insurrection; and that they report by bill or otherwise.

On motion of Mr. Dewes,

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee, composed of one member from each judicial circuit in each House, to inquire into the measures most expedient to be adopted to insure the more prompt administration of justice in the superior courts of Burke, Buncombe, Lincoln and Rutherford counties; and that they report by bill or otherwise.

On motion of Mr. Gee,

Resolved, That the joint select committee on military affairs be instructed to inquire into the expediency of revising, printing and distributing to the general, staff, field and platoon officers of the volunteer and militia companies of militia of the state, the militia laws of this state; and that the said committee be further instructed to inquire into the expediency of appointing two other subaltern officers to each volunteer and militia company, so as to comport with the present military system of drill, and that they report by bill or otherwise.

On motion of Mr. Borden, ordered, that a message be sent to the Senate, informing that the name of Richard D. Spaight is added to those already in nomination for the office of Governor of the State.

On motion of Mr. L. Thompson,

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee on banks and the future disposition of bank stock belonging to the State.

Mr. Samuel T. Sawyer presented a bill, defining and limiting the power of courts in inflicting punishments for contempts; which was read the first time and passed, and, on Mr. Marsteller's motion, referred to the committee on the judiciary, and, on motion of Mr. Clayton, ordered to be printed.

Mr. Glass presented a bill to repeal an act, passed in the year 1828, entitled, an act repealing the several acts establishing and regulating the special courts of Burke county; Mr. Stallings a bill to incorporate the Gatesville Troopers; Mr. Carter a bill to incorporate the Hertford county Troop of Cavalry; Mr. Jarvis a bill to amend an act, entitled, an act to appoint one additional place of Sale in Hyde county, passed in the year 1831; and Mr. Whitaker a bill to incorporate the Franklin Guards. These bills were severally read the first time and passed.

Mr. Pearson's resolution of yesterday, proposing to raise a joint select committee on the subject of a Convention, was now taken up and adopted.

A message from the Senate, informing that they have passed the engrossed bill, to give exclusive jurisdiction to the superior courts of law for the county of Buncombe, and asking the concurrence of this House; the said bill was, on Mr. Weaver's motion, laid on the table.

The certificate of the county court of Mecklenburg county, in favor of Martha Thompson, showing an allowance of fifty dollars, made her as a pension for the years 1831 and 1832, received from the Senate, countersigned by the Speaker of that body, was, on motion of Mr. Doherty, countersigned by the Speaker of this House.

The resignation of Lewis Moore, as Colonel-commandant of the 32d regiment of the Militia of this State, received from the Senate, was read and accepted.

The resignation of Moses Whitesides, a justice of the peace for the county of Buncombe, was presented, read and accepted.

The resolution instructing the committee of finance to burn the mutilated Treasury notes, was read the second time and passed.

The bill to amend an act, entitled, an act to establish a separate election in each Captain's District in the county of Nash, passed in the year 1818 chapter 121, was, on motion of Mr. O'Brien, taken up, read the second time amended and passed.

Whereupon the House adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, NOVEMBER 28, 1832.

The petition of sundry citizens of Surry county, praying that Abner Dunnagan, of said county, may be restored to the privileges of a citizen heretofore forfeited by his conviction and punishment for the crime of petit larceny, was presented by Mr. Word, and, on his motion, referred to the committee on propositions and grievances.

Mr. Edmondston presented a resolution in favor of Ephraim Christophe which was read and adopted and ordered to be engrossed.

On motion of Mr. Ledford,

Resolved, That the committee on military affairs be instructed to inquire into the expediency of so altering the 4th and 5th military divisions as to make from them an additional division.

Mr. Wiseman presented a bill to amend an act, passed in the year 1822, entitled an act for the relief of debtors for debts which may be contracted after the first day of May next; which was read the first time and passed and, on Mr. Barringer's motion, referred to the committee on the judiciary.

Mr. Townsend from the committee on propositions and grievances, to whom was referred the petition of sundry citizens of Wilkes county, praying to have granted them a piece of land, reported that the aid of the Legislature is not requisite to effect the object of the petitioners, and prayed that the committee be discharged from the further consideration of the subject. The report was concurred in.

On motion of Mr. Lancaster,

Resolved, That the committee on the judiciary be instructed to inquire into the propriety of so amending the law relative to executors and administrators as to require them in all cases of insolvent estates to make rateable payment of all claims against the estate of their testator or intestate.

Mr. Gary presented a bill amending the several acts of Assembly incorporating the Roanoke and Cape Fear Navigation Companies, and prescribing the mode for enforcing the collection of tolls; and Mr. Park a bill to incorporate the Anson Dragoons. These bills were read the first time and passed.

The resolution instructing the committee of Finance to burn certain Treasury notes, was, on Mr. Gary's motion, laid on the table.

The bill declaratory of the law now in force, giving to the Courts of Pleas and Quarter Sessions of the several counties within this State the power to alter and fix separate places of election, was read the third time and passed, and ordered to be engrossed.

On motion of Mr. Abernathy, ordered, that a message be sent to the Senate proposing to ballot on to-morrow for a Brigadier General of the tenth Brigade and fifth Division of the militia of this State, and informing that Joseph Brevard and Edmund Bryan are nominated for the appointment.

The bill to repeal an act passed in the year 1828, entitled an act to repeal the several acts establishing and regulating the special courts of Burke county; the bill to amend the law respecting the appointment of sheriffs, so far as relates to the county of Surry; the bill to amend an act, entitled an act to appoint one additional place of sale in Hyde county, passed in the year 1831; the bill to incorporate the Hertford county troop of cavalry; the bill to incorporate the Franklin Guards; and the bill to incorporate the Gatesville Troopers, were severally read the second time and passed.

Mr. Bonner presented a bill to appoint an additional place of public sale in the county of Beaufort; Mr. Jordan a bill authorizing Samuel Latham, of the county of Pitt, to erect a gate across a public road; Mr. Watson a bill making compensation to tales jurors in the county of Robeson; Mr. Guthrie a bill concerning the upper regiment of Chatham county militia, and Mr. McQueen a bill to incorporate the Haywood boating company; these bills were severally read the first time and passed.

Mr. Smith presented a bill re-appointing commissioners for the town of Waynesville, in Haywood county, which was read the first time and passed, and on Mr. Smith's motion, referred to the committee on private bills.

The House then adjourned until to-morrow morning 10 o'clock.

THURSDAY, NOVEMBER 29, 1832.

Mr. Townsend, from the committee of propositions and grievances, to whom was referred the petition of sundry citizens of Macon county, reported a bill to restore to credit Thomas Daves of said county, which was read the first time and passed.

Mr. Enloe presented the following resolution:

Whereas by the several acts of Assembly, prescribing the mode of surveying and sell-

ing the lands lately acquired by treaty from the Cherokee Indians, it was made the duty of the principal surveyor to make three connected plats, one of which to be transmitted to the office of His Excellency the Governor, one other to the office of the Secretary of State, and the third to be placed in the office of the clerk of the county court of Haywood county; and whereas, since the erection of that territory into a separate county, it is found necessary for the convenience of the citizens and others that the map now in the clerk's office of the county of Haywood be removed and placed in the clerk's office of the county of Macon;

Resolved, therefore, That the clerk of the county court of Haywood be, and he is hereby directed, on application made to him, to deliver the same into the hands of the clerk of the county court of the county of Macon.

The said resolution was read and adopted and ordered to be engrossed.

A message from the Senate, informing that Messrs. Massey & Hoke attend this House to conduct on behalf of the Senate the balloting yesterday agreed on to take place this day, for Brigadier General of the tenth Brigade and fifth Division; ordered, that Messrs. Abernathy and Ward compose said committee on the part of the Commons.

A message from the Senate, informing that Messrs. Dobson, Allen, Martin, Massey, Howell, Skinner, Williams, Moffitt, Montgomery of Orange, Hussey, Spaight, Moya of Pitt and Askew form the committee on the part of the Senate, to inquire what alterations, if any, are necessary to be made in the congressional districts of this State.

A message from the Senate proposing to raise a joint select committee consisting of one member from each congressional district, in each House to inquire into the measures most expedient to be adopted to ensure the more prompt administration of justice, in the Superior Courts of Burke, Buncombe, Lincoln and Rutherford counties. The proposition was concurred in, and Messrs. Davidson, Dewes, Barringer, Pearson, Poindexter, Sumner, Eccles, Bragg, M'Millan, Shepard, Spruill, Daniel and S. T. Sawyer appointed said committee on the part of this House.

A message from the Senate agreeing to the proposition of this House to raise a joint select committee to be composed of one member from each congressional district in each House on the subject of a convention: and informing that Messrs. Bailey, Hinton, Marshall, Dishongh, Montgomery of Orange, Carter, Norman, Houston, Leake, Moore, Dobson, Faison and Carson compose said committee on their part. Messrs. Pearson, Courts, Cansler, Dewes, Peeples, Mangum, Eccles, Arrington, Laspeyre, Burns, Potts, Outlaw and J. B. Jones form said committee on behalf of the Commons.

A message from the Senate agreeing to raise a joint select committee on banks, and the future disposition of the bank stock belonging to the State, and informing that Messrs. Toomer, Martin, Bailey, Wilson and Carson form their branch of said committee. Messrs. Barringer, Polk, Hill, G. A. Thompson and Sumner form said committee on behalf of the Commons.

A message from the Senate informing that they had passed the engrossed bill to divorce John Roberts and his wife Agnes, and the engrossed resolution in favor of James Logg, Sheriff of Perquimons county, and asking the concurrence of this House. The same were read the first time and passed, and the said bill on Mr. Borden's motion was referred to the committee on Propositions and Grievances, and the resolution on Mr. Outlaw's motion to the committee of claims.

A message from the Senate informing that they had passed the engrossed resolution in favor of William Ellison and Charles Baldwin and asking the concurrence of this House. The said resolutions were read severally the first time and passed.

A message from the Senate informing that Messrs. Allen and Carter attend this House to conduct the balloting for Governor of the State heretofore agreed on to be held this day. Messrs. Emmet and Cromwell were appointed to conduct said balloting on the part of this House.

Mr. Abernathy from the committee appointed to conduct the balloting for a Brigadier General of the 10th brigade and fifth division of the militia of this State, reported that Edmund Bryan had received, a majority of the whole number of votes and was duly elected. The report was concurred in.

The certificates of the County Court of Craven county in favor of John Rhem, Thomas Ewell and Christopher Bexley, pensioners of the state, showing an allowance of one hundred dollars to said Rhem, and fifty dollars each to Ewell and Bexley, to have been allowed by said court, were received from the Senate countersigned by the Speaker of that body. The same were on Mr. Hartley's motion countersigned by the Speaker of this House.

Mr. Emmet from the committee appointed to conduct the balloting for a Governor of the State, reported that neither of the persons in nomination had received a majority of the whole number of votes and that there was no election. The report was concurred in.

A message from the Senate proposing that another balloting take place immediately, for Governor of the State. The proposition was concurred in, and the Senate informed that the name of Thomas G. Polk is withdrawn from the nomination and that Messrs. Emmet and Cromwell are appointed a committee to conduct the balloting on the part of the Commons. A message from the Senate informing that Messrs. Hawkins and Carter compose said committee on the behalf of the Senate.

Mr. S. T. Sawyer introduced a bill to alter and amend the criminal laws of the State, which was read the first time and passed, and on Mr. O'Brien's motion referred to the committee on the judiciary, and on motion of Mr. Outlaw ordered to be printed.

A message from the Senate informing that they had passed the engrossed bill to authorise the County Court of Wake to lay a tax for building a substantial fire proof Court House, or a substantial fire proof Office, for the safe keeping of the public records of the county, and asking the concurrence of this House. The said bill was read the first time and passed.

The resignation of Philip Hendrick a Lieut. Col. and T. S. Harris, as Major of the first regiment of the militia of Davidson county, received from the Senate, were read and accepted.

The resignation of William W. Price as Col. Commandant of the Caswell Regiment of Militia, was presented, read and accepted.

Mr. Courts presented a bill vesting in the Courts of Pleas and Quarter Sessions of the several counties within this State, the right of establishing additional places of public sale in their respective counties; Mr. Allison a bill to repeal in part an act passed in the year 1806, entitled an act to revise the militia laws of this State relative to the infantry; Mr. Marsteller a bill to authorise seven justices of New Hanover to receive, take and renew the bonds of the sheriffs and clerks of the court of pleas and quarter sessions of said county; Mr. Cuthbertson a bill to prevent disputes in consequence of a late survey of the line dividing the counties of Anson and Mecklenburg; Mr. Gee a bill to incorporate the Scotland Neck Guards; and Mr. Weaver a bill to compel the register of Buncombe county to keep his office in Ashville during the weeks of the county and superior courts. These bills were severally read the first time and passed.

The bill to vest the right of electing the clerks of the county and superior courts within the several counties of this State in the free white men thereof was read the second time. Mr. Emmet moved to strike out the word *two* in the third section and insert *four*, so as to make the term of service of said officers four years instead of two; which motion prevailed. The bill was further amended in the same section on motion of Mr. Pearson, by striking out the words "*the sheriff shall give the casting vote*," and by inserting, "the county court shall make the election as now prescribed by law in case of sheriff's elections."

Mr. Edmonston moved to amend the bill by adding after the words "superior court clerks" in the first section the words, "and county solicitors." This motion was rejected, Yeas 50, Nays 101. The yeas and nays demanded by Mr. O'Brien.

Those who voted in the affirmative, were Messrs. Baker, Barringer, Clark, Courts, Daniel, Dewes, Edmonston, Emmet, Gee, Hardison, McCleese, McLaurin, McLeod, McMillan, Norman, Outlaw, Poindexter, Polk, Roberts, S. T. Sawyer, F. A. Sawyer, Shepard, Skinner, Spruill, Sumner, L. Thompson, Townsend, Waddell, A. W. Wooten, C. Wooten.—30.

Those who voted in the negative, were Messrs. Abernathy, Adams, Allison, Arrington, Blowe, Boddie, Bonner, Borden, Bragg, Brower, Beeman, Burgin, Burns, Cansler, Carter, Clayton, Cloman, Craige, Cromwell, Cunningham, Cuthbertson, Davidson, Dockery, Eccles, Enloe, Faddis, Foscue, Gary, Gillespie, Glass, Grady, Graves, Guthrie, Gwynn, Hammond, Harper, Harrison, Hartt, Hartley, Hinton, Horton, Hurst, Irion, Irvine, Jarvis, J. B. Jones, R. Jones, Jordan, Judkins, Lancaster, Laspeyre, Lee, Ledford, Little, Locke, Long, Lowdermilk, Lyon, Marsteller, Mask, Maulsby, Monk, Montgomery, Mullen, Murray, McNeill, McQueen, Nelson, O'Brien, Park, Peeples, Pearson, Pierse, Potts, Rand, Relfe, Ridley, Saintclair, Settle, Sherwood, Simmons, Sloan, Smith, Stallings, Stephens, Thomas, G. A. Thompson, Tillett, Tunstall, Ury, Wadsworth, Ward, Watson, Weaver, Welch, Whitaker, Willey, Wiseman, Witcher, Wood, Ziglar,—101.

Mr. McLeod moved to amend the bill by adding after the word clerks in the first section the words, "and constables" and called for the yeas and nays. This motion was also lost, yeas 21, nays 108.

Those who voted in the affirmative, were Messrs. Baker, Bonner, Clark, Daniel, Edmonston, Faddis, Gee, Harper, Laspeyre, McCleese, McLeod, Norman, Polk, Roberts, S. T. Sawyer, Shepard, Skinner, Spruill, Waddell, Welch, C. Wooten.—21.

Those who voted in the negative, were, Messrs. Abernathy, Adams, Allison, Arrington, Barringer, Blowe, Boddie, Borden, Bragg, Brower, Beeman, Burgin, Burns, Cansler, Carter, Clayton, Cloman, Courts, Craige, Cromwell, Cunningham, Cuthbertson, Davidson, Dewes, Dockery, Doherty, Eccles, Emmet, Enloe, Foscue, Gary, Gillespie, Glas, Grady, Graves, Guthrie, Gwynn, Hammond, Hardison, Harrison, Hartt, Hartley, Hill, Hinton, Horton, Hurst, Irion, Jarvis, Irvine, J. B. Jones, R. Jones, Jordan, Judkins, Lancaster, Lee, Ledford, Little, Locke, Lowdermilk, Lyon, Marsteller, Mask, Maulsby, Monk, Montgomery, Mullen; Murray, McLaurin, McMillar, McNeill, McQueen, Nelson, Outlaw, O'Brien, Park, Peeples, Pearson, Pierse, Poindexter, Potts, Rand, Relfe, Ridley, Saintclair, F. A. Sawyer, Settle, Sherwood, Simmons, Sloan, Smith, Stallings, Stephens, Thomas, G. A. Thompson, Tillett, Townsend, Ury, Wadsworth, Ward, Watson, Weaver, Whitaker, Willey, Wiseman, Witcher, A. W. Wooten, Word, Ziglar,—108.

Mr. Outlaw moved that said bill be postponed indefinitely. The question thereon was decided in the negative; yeas 39 nays 91. The yeas and nays called for by Mr. Emmet.

Those who voted in the affirmative were, Messrs. Baker, Barringer, Borden, Bragg, Beeman, Burns, Clark, Daniel, Eccles, Edmonston, Gary, Gee, Graves, Gwynn, Hardison, Harper, Hartley, Hinton, Judkins, Laspeyre, Long, McCleese, McLeod, McMillan, Nelson, Outlaw, Pierse, Poindexter, Roberts, Shepard, Sherwood, Skinner, Spruill, L. Thompson, Tillett, Waddell, Willey, A. W. Wooten, C. Wooten.

Those who voted in the negative were, Messrs. Abernathy, Adams, Allison, Arrington, Blowe, Boddie, Bonner, Brower, Burgin, Cansler, Carter, Clayton, Cloman, Courts, Craige, Cromwell, Cunningham, Cuthbertson, Davidson, Dewes, Dockery, Emmet, Enloe, Faddis, Foscue, Gillespie, Glass, Grady, Guthrie, Hammond, Harrison, Hart, Horton, Hurst, Irion, Irvine, Jarvis, J. B. Jones, R. Jones, Jordan, Lancaster, Lee, Ledford, Little, Locke, Louder-

milk, Lyon, Marsteller, Mask, Maultsby, Monk, Montgomery, Mullen, Murray, McLaurin, McNeill, McQueen, Norman, O'Brien, Park, Peeples, Pearson, Polk, Potts, Rand, Relfe, Ridley, Saintclair, S. T. Sawyer, F. A. Sawyer, Settle, Simmons, Sloan, Smith, Stallings, Stephens, Thomas, G. A. Thompson, Townsend, Tunstall, Ury, Wadsworth, Ward, Watson, Weaver, Welch, Whitaker, Wiseman, Witcher, Word, Ziglar.—91.

The question then recurring on the passage of the bill, as amended its second reading, it was decided in the affirmative, yeas 93, nays 38. The yeas and nays demanded by Mr. O'Brien.

Those who voted in the affirmative were, Messrs. Abernathy, Adams, Allison, Arrington, Blowe, Boddie, Bonner, Brower, Burgin, Cansler, Carter, Clayton, Cloman, Courts, Craige, Cromwell, Cunningham, Cuthbertson, Davidson, Dewes, Dockery, Doherty, Emmit, Ealoe, Paddis, Foscue, Gillespie, Glass, Grady, Gothrie, Hammond, Hardison, Harrison, Hart, Hoston, Hurst, Irion, Irvine, Jarvis, J. B. Jones, R. Jones, Jordan, Lancaster, Lee, Ledford, Little, Locke, Londermilk, Lyon, Marsteller, Mask, Maultsby, Monk, Montgomery, Mullen, Murray, McLaurin, McNeill, McQueen, Norman, O'Brien, Park, Peeples, Pearson, Polk, Potts, Rand, Relfe, Ridley, Saintclair, S. T. Sawyer, F. A. Sawyer, Settle, Simmons, Sloan, Smith, Stallings, Stephens, Thomas, G. A. Thompson, Townsend, Tunstall, Ury, Wadsworth, Ward, Watson, Weaver, Welch, Whitaker, Wiseman, Witcher, Word, Ziglar.—93.

Those who voted in the negative, were, Messrs. Baker, Barringer, Borden, Bragg, Beman, Burns, Clark, Daniel, Eccles, Edmonston, Gary, Gee, Graves, Gwynn, Harper, Hartley, Hill, Hinton, Judkins, Laspeyre, Long, McCleese, McLeod, McMillan, Nelson, Outlaw, Pierce, Poindexter, Shepard, Sherwood, Skinner, Spruill, L. Thompson, Tillet, Waddell, Willey, A. W. Wooten, C. Wooten.—38.

Mr. Emmit from the committee appointed to conduct the balloting for Governor of the State, reported that no one of the gentlemen in nomination had received a majority of the whole number of votes; the report was concurred in:

And then the House adjourned until to-morrow 10 o'clock.

FRIDAY, NOVEMBER 30, 1832.

Mr. McLeod submitted the following resolution, which was read and rejected.

Whereas, the charters of the present banks, are already so near their end, as to render their usefulness as such to the commerce of the State of but little benefit: and whereas the continuance of the United States Bank any longer than the period of its present charter is put beyond a doubt, a duty therefore devolves upon this Legislature to provide other and new means, for a currency of this State: And whereas both experience and the nature of our Government present us a cautious admonition against the creation of any single banking corporation with a capital large enough for the demands of the State, and with power to establish its branches in various sections of the State, such an institution may and will in times suited for such an occasion either directly or indirectly influence the first privileges of the citizen through its various branches, and those connected with them, let the capital belong to whom it may:

Resolved therefore, That the joint select committee on Banks, be directed to inquire into the expediency of creating distinct and various banking corporations, located in the different sections of the State, and each with such a capital only, as the commercial exigencies of such locations may actually require, with ample provisions for the soundness of their issues by a retained supervising power in the Legislature; thus creating a complete tion in their business and a check upon their action unknown to a large mother bank and branches; and that the committee report by bill or otherwise. 3.

A message from the Senate proposing that another balloting be had immediately, for Governor of the State. The proposition was agreed to. The name of David L. Swain was added to the nomination and Messrs. Gwynn and Hartley appointed a committee to conduct said balloting on behalf of the Commons. A message from the Senate informing that Messrs. Wilson and Harrison form said committee on the part of the Senate.

Mr. Townsend from the committee of propositions and grievances, to

whom was referred, the petition of sundry citizens of the county of Sarry, praying that Abner Dannagan may be restored to credit, reported unfavourably thereon, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

A message from the Senate; informing that they had passed the following engrossed bills and resolutions, viz. A bill authorizing the county court of Gates to have the records of said county transcribed, and to make copies of such transcribed records evidence in all suits at Law and Equity in this State; a bill to incorporate the Experimental Rail-road Company, in the city of Raleigh; a bill to abolish the office of county Trustee, in the counties of Buncombe, Nash, Hyde, Guilford, Rowan, Onslow, Columbus and Beaufort; a bill exempting Powell's Point and Poplar Branch Companies of Militia, in Currituck county, from attending regimental musters, at the Court House therein; a bill to regulate the courts of pleas and quarter sessions of Davidson, Hyde and Onslow counties; resolutions in favor of William C. Butler and others, and a resolution in favor of Joshua Williamson, Sheriff of Columbus county, and asking the concurrence of this House therein. The said bills and resolutions were read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill to vest in the county courts of Macon and Rutherford counties, power to appoint places of Public Sale in said counties, with an amendment, and asking the concurrence of this House therein. The said amendment was read and concurred in.

A message from the Senate, proposing that the two Houses ballot immediately for Major-general of the 5th Division, and informing that the name of William D. Smith is added to the nomination. The proposition to ballot was disagreed to.

Mr. Gwynn, from the committee appointed to conduct the balloting for Governor, reported that no one of the persons in nomination had received a majority of the whole number of votes. The report was concurred in. On motion of Mr. Hartley, ordered, that a message be sent to the Senate, proposing another balloting for this officer immediately. A message from the Senate, agreeing to this proposition of the House, and informing that Messrs. Mathews and Moore form their balloting committee. Messrs. Cunningham and Hurst form said committee on behalf of the Commons.

Mr. Eccles presented a bill, founded on a petition of sundry citizens of Raleigh and Fayetteville, to emancipate Horace, a slave. The said bill was read the first time and passed, and, on Mr. Eccles motion, referred to the committee on propositions and grievances.

Mr. Dockery, from the committee, to whom was referred a bill to repeal an act, passed at the last session of the General Assembly, chapter 122, entitled, an act to authorize the county court of Guilford to appoint overseers and hands to clear out the channel of the Reedy Fork of Haw River, in Guilford county, reported favorably thereon. The said bill was read the first time and passed.

Mr. Ledford introduced a bill, directing the manner in which Constables shall hereafter be elected in the county of Davidson, which was read the first time and passed, and, on Mr. Outlaw's motion, referred to the Committee on private bills.

Mr. Cunningham presented a resolution in favor of John Robbins, of Randolph county, which was read the first time and passed, and, on Mr. Cunningham's motion, referred to the committee on claims.

Mr. Cunningham, from the committee appointed to conduct the balloting for Governor of the State, reported that no one had received a majority of the whole number. The report was concurred in. On motion of Mr. Gwynn, ordered, that a message be sent to the Senate, proposing another balloting immediately for this officer. The proposition was agreed to by the Senate, and the Commons informed by message that Messrs. Williams and Dobson form their balloting committee; Messrs. Marsteller and Hinton compose this committee on behalf of the Commons.

Mr. Murray presented a bill to repeal in part an act, passed in the year 1828, entitled, an act to amend the law with respect to the collection of debts from the estates of deceased persons, and the law in relation to the levying of executions issued by justices of the peace; and Mr. Tulett a bill amending the patrol laws, so far as relates to the county of Camden. These bills were read the first time and passed.

Mr. Bragg introduced a bill to compel executors, administrators and guardians to make due returns of inventories and accounts, under certain penalties; and Mr. Pierse a bill requiring warrants, issued by justices of the peace in civil cases, to be returned in the district in which the defendant may reside. These bills were read the first time and passed and referred to the committee on the judiciary.

The bill to vest the right of electing the clerks of the county and superior courts, within the several counties in this State, in the free white men thereof, was, on motion of Mr. O'Brien, referred to a committee of the whole House, and made the order of the day for to-morrow.

The bill to repeal an act, passed in the year 1828, entitled, an act repealing the several acts establishing and regulating the special courts of Burke county, was, on Mr. Burgin's motion, referred to the committee on private bills. The bill making compensation to tales-jurors, in the county of Robeson; and the bill to appoint an additional place of Public Sale, in the county of Beaufort, were read the second time and passed; and the last named bill, on Mr. Bonner's motion, referred to the committee on private bills.

The bill to amend an act, entitled, an act to appoint one additional place of Sale in Hyde county, passed in the year 1831. The bill to amend the law respecting the appointment of Sheriffs, so far as relates to the county of Surry. The bill to incorporate the Gatesville Troopers; the bill to incorporate the Hertford county Troop of Cavalry; and the bill to incorporate the Franklin Guards, were severally read the third time, passed and ordered to be engrossed.

The House then adjourned until to-morrow morning, 10 o'clock.

SATURDAY, DECEMBER 1, 1832.

Mr. Marsteller, from the committee appointed to conduct the balloting for Governor of the State, reported that no one had received a majority of the whole number of votes, and that there was no election; the report was concurred in.

A message from the Senate proposing another balloting immediately for Governor, and informing that the name of John Branch is withdrawn from the nomination; the proposition was agreed to; the name of Joseph H. Bryan was added to the nomination, and Messrs. Whitaker and Blowe appointed a committee to conduct the balloting. Messrs. Kerr and Bell attended as a committee on behalf of the Senate to conduct said balloting.

Mr. Saintclair presented a resolution, founded on a petition in favor of

Abdell Darnall, of Wilkes county, which was read the first time and passed.

Mr. Maulsby presented the petition of sundry citizens of Whiteville, in Columbus county, praying an alteration in the plan of said town, which was read, and on Mr. Maulsby's motion referred to the committee on propositions and grievances.

Mr. Mangum, from the committee on internal improvements, to whom was referred the bill to amend an act, passed in the year 1826, entitled, an act to incorporate a Company, entitled, the Roanoke Inlet Company and for other purposes; and an act amendatory of the same, passed in the year 1828, reported the same without amendment; the said bill was thereupon read the second time and passed.

Mr. Abernathy presented a bill to secure a more perfect administration of justice in certain cases, which was read the first time and passed, and referred, on the motion of Mr. Abernathy, to the committee on the judiciary.

Mr. Whitaker, from the committee appointed to conduct the balloting for Governor of the State, reported that no person had received a majority of the whole number of votes; the report was concurred in.

A message from the Senate, proposing another balloting to be had immediately for this officer; the proposition was agreed to, and Messrs. McLaurin and Roberts appointed a committee to conduct the balloting. A message from the Senate, informing that Messrs. Montgomery, of Orange, and Wilder, form said committee on their part.

Mr. Eccles, from the committee on the judiciary, to whom was referred the bill defining and limiting the power of courts in inflicting punishments for contempts, reported the same without amendment. The said bill was, on Mr. Eccles' motion, referred to a committee of the whole House, and made the order of the day for Tuesday next.

Mr. Irvine presented a bill to repeal an act, passed A. D. 1830, entitled, an act to prohibit the circulation in this State, after the time therein mentioned, of bank notes under the denomination of five dollars; and Mr. Smith a bill to authorize the altering and amending of the State-road, running through the county of Haywood. These bills were read the first time and passed.

A message from the Senate informing that they had passed the following engrossed bills and resolution, viz. A bill to incorporate a Cavalry Company, in the county of Duplin; a bill to restore John Bates, of Macon county, to credit; a bill to restore Joshua Pinion, of Wilkes county, to credit; and a resolution in favor of William Heath. The said bills were read the first time and passed, and the said resolution read and adopted and ordered to be enrolled.

The bill making compensation to tales-jurors, in the county of Robeson, was read the third time and passed and ordered to be engrossed.

The Speaker laid before the House a communication from the Public Treasurer, transmitting a statement of the affairs of the Bank of Cape Fear and the State Bank of North Carolina, received at his office since the date of his annual report. On motion of Mr. Bragg, ordered, that it be transmitted to the Senate, with a proposition that the statement be printed.

The resignations of John Kineaid, as colonel-commandant, and David Tate, as lieutenant-colonel, of the first regiment of the Militia of Burke county; and of Peter Simmons, as a justice of the peace of Surry county, were presented, read and accepted.

The House, on motion of Mr. O'Brien, now resolved itself into a committee of the whole, Mr. Polk in the Chair, and took up the bill to vest the right of electing clerks of the county and superior courts, within the several counties in this State, in the free white men thereof; and after some time spent therein the Speaker resumed the Chair, and the Chairman, on behalf of the committee, reported the said bill to the House with sundry amendments. The amendments were read and concurred in. The bill as amended was then read the third time, passed and ordered to be engrossed. Yeas 93. Nays 30. The yeas and nays called for by Mr. G. A. Thompson.

Those who voted in the affirmative were, Messrs. Abernathy, Adams, Allison, Arrington, Blowe, Boddie, Bonner, Brower, Burgin, Cansler, Carter, Clark, Clayton, Cloman, Courts, Craige, Cromwell, Cunningham, Cuthbertson, Davidson, Dewes, Dockery, Doherty, Emmit, Enloe, Faddis, Foseue, Gillespie, Glass, Grady, Guthrie, Hammond, Hardison, Harrison, Hart, Horton, Hurst, Irion, Irvine, Jarvis, J. B. Jones, R. Jones, Jordan, Lancaster, Lee, Ledford, Little, Locke, Loudermilk, Lyon, Mangum, Marsteller, Mask, Maulsby, Monk, Montgomery, Mullen, Murray, McLaurin, McNeill, McQueen, Norman, O'Brien, Park, Peeples, Potts, Rand, Relfe, Ridley, Saintclair, S. T. Sawyer, F. A. Sawyer, Settle, Simmons, Sloan, Smith, Stallings, Stephens, Thomas, G. A. Thompson, Townsend, Tunstall, Ury, Wadsworth, Ward, Watson, Weaver, Welch, Whitaker, Wiseman, Witcher, Word, Ziglar.—93.

Those who voted in the negative were, Messrs. Baker, Barringer, Borden, Beeman, Burns, Daniel, Eccles, Edmonston, Gary, Gee, Graves, Gwynn, Harper, Hartley, Hinton, Hill, Judkins, McCleese, McLeod, McMillan, Nelson, Pierce, Poindexter, Shepard, Skinner, Spruill, L. Thompson, Tillett, A. W. Wooten, C. Wooten.—30.

Mr. McLaurin, from the committee appointed to conduct the balloting for a Governor of the State, reported that David L. Swain had received a majority of the whole number of votes and was duly elected. The report was concurred in. The House then adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 3, 1832.

Mr. Cunningham presented the petition of Jacob and Elizabeth Rhouts, praying their daughter Celia be legitimated and made the lawful heir of the said Jacob; the said petition was, on Mr. Cunningham's motion, referred to the committee on propositions and grievances.

Mr. Abernathy presented the petition of sundry citizens of the county of Lincoln, upon the subject of a Convention. The memorial was read, and on Mr. Abernathy's motion, referred to the joint select committee raised on that subject.

A message from the Senate, informing that Messrs. Hoke, Seawell, Wilder, Matthews, Kerr, Boddie, Stedman, Montgomery, of Hertford, Wellborn, Gavin, Toomer, Moye, of Greene, and Carson; from the committee on the part of the Senate, to inquire into the measures most expedient to be adopted, to insure the more prompt administration of justice, in the superior courts of Buncombe, Burke, Lincoln and Rutherford.

A message from the Senate, informing that they had passed the engrossed bill to prevent the felling of timber in, or otherwise obstructing the navigation of Goshen, between Hurst's Bridge and the North east River, and asking the concurrence of this House. The said bill was read the first time and passed.

A message from the Senate, proposing that a joint select committee, consisting of two members on the part of each House, be raised to wait on His Excellency the Governor elect, informing him of his election, and to ascertain at what time it will be convenient for him to take the oaths of qualification, and

informing that Messrs. Matthews and Leake form said committee on behalf of the Senate. The proposition was agreed to, and Messrs. Barringer and Dockery appointed said committee on the part of this House.

Mr. Mangum, from the select committee, to whom was referred the bill to erect out of a portion of the counties of Burke and Buncombe, a separate and distinct county, by the name of Yancey, made a detailed report thereon, which, on Mr. Emmit's motion, was ordered to be printed; and the said bill, on the motion of Mr. Clayton, made the order of the day for Friday next.

Mr. Monk introduced the following resolutions:

Whereas the union of the States of this confederacy ought to be a subject near and dear to every American bosom; and whereas many parts of the present constitution of the United States are susceptible of different constructions, viz: the right of the General Government to make works of internal improvement within the states, the right of the General Government to erect a bank, the right of the General Government to appropriate money for works of internal improvement, the right of the General Government to dispose of the public lands or common domain, the right of the General Government of laying duties and imposts on foreign imports having a tendency to the protection of domestic manufactures; and whereas Congress have passed laws believing them to be in conformity with the true spirit and meaning of the constitution, which threaten to sever the bonds which unite us together; and whereas many of the good citizens of this State do believe and entertain the opinion that there is no tribunal which can amicably and satisfactorily decide and adjust the foregoing contested articles, but by recurring to first principles: therefore

Resolved by the General Assembly of the State of North Carolina, That our senators in Congress be instructed, and our representatives requested to use their best endeavors to call a general convention of the states of this confederacy to take into consideration all articles in the present constitution of the United States susceptible of misconstruction, and give such an interpretation to the same as will save the Union from anarchy.

And be it further resolved, That the Governor of this state be, and he is hereby requested to forward a copy of these resolutions to the President of the United States, to the Executive of each of the states, and to each of our senators and representatives in Congress.

The foregoing resolutions were read and ordered to be printed and referred to a select committee, consisting of Messrs. Daniel, Monk, Eccles, Sumner and Hill. To the same committee were also referred the following resolutions, submitted by Mr. Daniel.

Resolved, That in the opinion of this Legislature the laws enacted by Congress for the protection of domestic manufactures are unconstitutional and unjust, as well in reference to the different classes of society as the different sections of the Union.

Resolved, That the said laws have tended to weaken the union of these states by impairing the confidence of a large portion of the southern people in the justice of the General Government, and that the permanent establishment of those laws is incompatible with the integrity of the Union.

Resolved, That although we witnessed with painful anxiety the opposition made by the friends of protection to the slight relief which the act of Congress of the 14th of July, 1832, affords to the south, we have not yet lost all confidence in the justice of the General Government, and will not, therefore, yet sanction any measure tending to a dismemberment of the Union.

Resolved, That while we sympathise with the people of South Carolina, we do not approve of their doctrine of nullification, believing it to be erroneous in theory, and calculated to put in jeopardy the civil and political liberty we enjoy.

Resolved, That the Governor of the State be requested to transmit a copy of these resolutions to the President of the U. States and to the executive of each of the States.

The foregoing resolutions were also ordered to be printed.

Mr. A. W. Wooten submitted a resolution in favor of the executor of Walter Davenport, which was read the first time and passed, and, on Mr. Wooten's motion, referred to the committee of claims.

On motion of Mr. Clayton, ordered, that a message be sent to the Senate, proposing that the two Houses ballot immediately for a Major-general of

Militia, of the 5th Division, and informing that the name of David Newland is added to the nomination. The proposition was concurred in by the Senate, and the Commons informed that the name of William D. Smith is withdrawn from the nomination, and that Messrs. Stedman and Morris form their balloting committee. Ordered, that Messrs. Hart and Clark conduct said balloting on the part of the Commons.

On motion of Mr. McLaurin:

Resolved, That the committee on private bills be instructed to inquire into the expediency of vesting the power in the county courts, a majority of the acting justices being present, to authorise the erection of gates across the public roads in their respective counten; and that they have leave to report by bill or otherwise.

Mr. Barringer presented a bill providing compensation for jurors, in the county of Cabarrus; Mr. Hartt a bill to alter the time of electing and renewing the bonds of certain officers in the county of Mecklenburg; Mr. Bonner a bill to provide for having the Militia Laws of this State digested, revised and published; Mr. Doherty a bill to extend the provisions of an act, passed in the year 1830, entitled, an act to prevent slaves from attending muster or election grounds, on the day of muster or election, in the counties of New Hanover, Sampson, Onslow, Jones, Craven, Lenoir, Wayne, Carteret, Johnston, Brunswick, Duplin, Camden, Hyde, Tyrrell and Currituck; and Mr. Borden a bill to repeal an act, passed in the year 1830, chapter 48, entitled, an act to alter the time of holding the superior Courts of law and equity for the counties of Carteret, Onslow, Lenoir and Craven, and to lengthen the term of Craven superior courts. These bills were severally read the first time and passed.

The bill to incorporate the Scotland Neck Guards; the bill to compel the Register of Buncombe county to keep his office in Asheville, during the weeks of the county and superior courts; the bill to incorporate the Haywood Boating Company; the bill concerning the upper regiment of Chatham county Militia; the bill to incorporate the Anson Dragoons; and the bill to prevent disputes in consequence of a late survey of the line, dividing the counties of Anson and Mecklenburg, were severally read the second time and passed.

The bill to amend an act, passed in the year 1821, entitled, an act to incorporate a Company, entitled, the Roanoke Inlet Company and for other purposes; and an act amendatory of the same, passed in the year 1828, was read the third time, passed and ordered to be engrossed; the bill authorizing Samuel Latham, of the county of Pitt, to erect a gate across a public road, was, on motion of Mr. Jordan, referred to the committee on private bills.

Mr. Hart, from the committee to conduct the balloting for Major-general of the 5th Division, reported that no one had received a majority of the whole number of votes; the report was concurred in; the name of William Horton was withdrawn from the nomination, and a message sent to the Senate proposing another balloting immediately. A message from the Senate disagreeing to this proposition, and proposing that another balloting be held to-morrow, which was concurred in by the House.

Received from His Excellency the Governor, by his private Secretary, Mr. Hill, the following communication.

To the Honorable the General Assembly of the State of North Carolina.
Gentlemen,

In obedience to the act of the General Assembly of 1815, I lay before you for your inspection, the original returns of the votes given in the several counties in the State of North Carolina, for electors to vote for President and Vice-President of the United States, and declare and make known, that from an accurate examination of the said returns, it

appears that the electors chosen are, Mr. Robert Love, of Haywood county; George Lee Davidson, of Iredell; Peregrine Roberts, of Lincoln; Thomas G. Polk, of Rowan; Thos. Settle, of Rockingham; John M. Morehead, of Guilford; Walter F. Leake, of Richmond; Abram W. Venable, of Granville; Josiah O. Watson, of Johnston; Joseph J. Daniel, of Halifax; William B. Lockhart, of Northampton; Matthias E. Sawyer, of Chowan; Francis E. Ward, of Washington; Richard Dobbs Spaight, of Craven; Owen Holmes, of New Hanover. I have the honor to be, your obedient servant,

Executive Office, December 3, 1832.

M. STOKES.

The foregoing communication was read, and, on Mr. Bragg's motion, ordered to be transmitted, together with the documents accompanying, to the Senate.

The House then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 4, 1832.

Messrs. Word and Sherwood were appointed a committee to conduct, on the part of this House, the balloting for Major-general of the 5th Division of the Militia of this State.

Mr. Locke presented the petition of sundry citizens of the county of Montgomery, praying that Ralph Freeman, a freeman of color of said county, may be allowed to preach the Gospel; the petition was, on Mr. Locke's motion, referred to the committee on propositions and grievances.

A message from the Senate, informing that Messrs. Latham and Dishongh form their balloting committee for a major-general.

Mr. Whitaker presented a bill amendatory of the act of 1831, entitled, an act to authorize the Governor to grant certain lands to the trustees of Franklin Academy, in the county of Macon, and Mr. Relfe a bill to incorporate two volunteer companies, in the county of Pasquotank; these bills were read the first time and passed.

Mr. Weaver presented a resolution in favor of Zachariah Candler, of Buncombe county, which was read, and, on Mr. Weaver's motion, referred to the committee on claims.

Mr. O'Brien, from the committee on privileges and elections, to whom was referred the petition of Richard H. Alexander, contesting the right of Burton Craige, the member from the town of Salisbury, to a seat in this House, made a report thereon, concluding with a resolution that the said Burton Craige is entitled to hold his said seat. Mr. Davidson, on behalf of the minority of said committee, made a counter report, which was read to the House. Mr. S. T. Sawyer moved that the resolution be laid on the table, and that the report and counter report be printed. This motion was negatived. On motion of Mr. Poindexter, leave was granted Mr. Alexander to be heard at the bar of the House. Discussion thereupon arising on the said resolution, on motion of Mr. Daniel, the House adjourned till to-morrow morning, 10 o'clock.

WEDNESDAY, DECEMBER 5, 1832.

Mr. Word from the committee appointed to conduct the balloting for major general of the 5th division of militia, reported that David Newland had received a majority of the whole number of votes and was duly elected. The report was concurred in.

The resignation of Duncan Cameron, a justice of the peace of the county of Orange was presented, read and accepted.

A message from the Senate, informing that they had passed the engrossed bill to exempt the militia residing on Knott's Island, from attending general regimental or battalion musters at the Court House of Currituck, and asking

the concurrence of this House. The said bill was read the first time and passed.

A message from the Senate, transmitting the annual report of the adjutant general, and proposing that the same be printed and referred to the joint select committee on military affairs. The proposition was agreed to.

Mr. Dockery, from the committee on private bills to whom was referred the bill directing the manner in which constables shall hereafter be elected in the county of Davidson: and the bill re-appointing commissioners for the town of Waynesville in Haywood county, reported the same without amendment.—These bills were ordered to be placed on the files to be taken up in their regular order.

Mr. Outlaw, from the committee on propositions and grievances, to whom was referred the engrossed bill to divorce John Roberts and his wife Agnes, reported the same without amendment; and the said bill was placed on the files of the House, in its appropriate place.

Mr. Dockery, from the committee on private bills, to whom was referred, the bill to authorise Robert Henry, to erect a mill on Hominy creek in Buncombe county, reported the same without amendment. Mr. Dockery, from the same committee, to whom was referred the bill to repeal an act, passed in the year 1828, entitled an act repealing the several acts, establishing and regulating the special courts of Burke county, reported unfavorably thereon. The said bills were accordingly placed in their appropriate files.

Mr. Dockery, from the same committee to whom was referred a resolution, instructing them to inquire into the expediency of vesting the power of erecting gates across public roads in the county courts, reported that no legislative action on said subject was expedient. The report was concurred in.

Mr. Bragg, from the committee on claims, to whom was referred the resolution in favor of John Robbins of Randolph county; the resolution in favor of James Long, sheriff of Perquimons county: and the resolution in favor of the executor of Walter Davenport, of Lenoir county, reported the same without amendment. The said resolutions, were accordingly placed in their appropriate files.

Mr. Barringer, from the committee appointed to wait on His Excellency the Governor elect, and inform him of his election, reported that his Excellency would at 12 o'clock to-morrow, attend in the House of Commons, and take the oaths of office.

On motion of Mr. Clayton,

Resolved, That the committee on education be instructed to inquire into the expediency of establishing free schools in the different counties in this State, and that they report by bill or otherwise.

On motion of Mr. Whitaker,

Resolved, That a message be sent to the Senate, proposing to raise a joint select committee, whose duty it shall be to inquire into the number and condition of the Cherokee Indians, who are now living in this State, the nature of their laws and the expediency of extending the laws of this State as far as our chartered limits extend, and that they report by bill or otherwise.

Mr. Whitaker, presented the petition of Joseph Welch of Macon county, praying that the costs of a certain law suit determined against him, should be refunded; the same having been incurred in defending his title to a tract of land, sold to him, by the State. The said petition was referred to the committee on claims.

Mr. Barringer, presented the petition of Absalom Simonton of Iredell county, praying to have certain errors corrected in a grant for land heretofore is-

sued by the Secretary of State. The said petition was on motion of Mr. Barringer, referred to the committee on claims.

Mr. McNeill, presented a resolution in favor of Daniel Graham of Cumberland county, which was read and adopted, and, ordered to be engrossed.

Mr. Park, presented a bill to provide for the final settlement of executors and administrators, also the annual settlement of guardians in the county of Anson, which was read, and, on Mr. Waddell's motion, referred to the committee on propositions and grievances.

Mr. Hart, presented a bill to amend the militia law respecting cavalry, which was read the first time and passed, and, on Mr. Hart's motion, referred to the committee on military affairs.

The House now resumed the unfinished business of yesterday, and took up the resolution, reported by the committee on privileges and elections in the following words: viz.

Resolved, That Burton Craige, Esq. is entitled to hold his seat in this House, as a member from the town and borough of Salisbury.

Mr. Pearson, moved to strike out the whole of said resolution, after the word "Resolved" and to insert the following,

"That Burton Craige, the sitting member from the town and borough of Salisbury, is not entitled to hold his said seat, but that the same be vacated, and that Richard H. Alexander be permitted to qualify and take his seat as a member from the said town and borough.

Mr. called for a division of the question, and the first question being on striking out as moved for, it was decided in the negative, yeas 36, nays 84. The yeas and nays demanded by Mr. Guthrie.

Those who voted in the affirmative were, Messrs. Barringer, Borden, Beeman, Burgin, Cloman, Courts, Cunningham, Cuthbertson, Davidson, Dewes, Eccles, Grady, Guthrie, Harper, Hart, Hill, Irvine, Mangum, Marsteller, Murray, McLaurin, McLeod, McMillan, McQueen, Park, Pearson, Poindexter, Polk, Sloan, Spruill, Sumner, Thomas, Waddell, Ward, C. Wooten, Word.—36.

Those who voted in the negative, were, Messrs. Abernathy, Adams, Allison, Arrington, Blowe, Boddie, Bonner, Bragg, Brower, Cansler, Carter, Clark, Clayton, Cromwell, Daniel, Dockery, Edmonston, Enloe, Faddis, Gary, Gee, Gillespie, Glass, Graves, Gwynn, Hammond, Hardison, Harrison, Hartly, Horton, Hurst, Irion, Jarvis, J. B. Jones, R. Jones, Jordan, Judkins, Lancaster, Lee, Ledford, Little, Locke, Loudermilk, Lyon, Mask, Maulsby, Montgomery, Mullen, McCleese, McNeill, Nelson, Norman, O'Brien, Peebles, Pierce, Potts, Rand, Relfe, Ridley, Roberts, Saintclair, S. T. Sawyer, F. A. Sawyer, Settle, Simmons, Skinner, Smith, Stallings, Stephens, G. A. Thompson, L. Thompson, Tillet, Townsend, Tunstall, Ury, Wadsworth, Watson, Welch, Whitaker, Willey, Wiseman, Witcher, A. W. Wooten, Ziglar.—54.

Mr. Dewes offered the following resolution, viz:

Resolved, That the question shall be put to the House, whether the vote of Cade was a legal vote? whether the vote of Shtiver was a legal vote? whether the vote of Shears was a legal vote? each question to be proposed separately.

This resolution was decided to be out of order. Mr. Mangum, moved to insert after the word "Resolved" the words

"That neither the sitting member, Mr. Craige, nor the petitioner, Mr. Alexander, appear to have received a majority of legal votes, and that a writ of election for a member to represent said town, issue to the sheriff of Rowan."

This resolution was rejected. The question then recurring upon the passage of the resolution as reported by the committee of privileges and elections, it was decided in the affirmative, yeas 75, nays 32. The yeas and nays demanded by Mr. Gary.

Those who voted in the affirmative, were Messrs. Abernathy, Allison, Arrington, Blowe, Boddie, Bonner, Brower, Cansler, Carter, Clayton, Cromwell, Daniel, Dockery, Doherty, Edmondston, Enloe, Faddis, Gary, Gee, Gillespie, Glass, Graves, Gwynn, Hammond, Hardison, Harrison, Hartley, Horton, Hurst, Irion, Jarvis, J. B. Jones, R. Jones,

Jordan, Judkins, Lancaster, Lee, Ledford, Locke, Lowdermilk, Mask, Montgomery, Mullen, McCleese, Nelson, Norman, O'Brien, Peoples, Pierce, Potts, Rand, Relfe, Ridley, Roberts, Saintclair, S. T. Sawyer, Settle, Simmons, Skinner, Smith, Stallings, Stephens, G. A. Thompson, Tillett, Townsend, Ury, Wadsworth, Watson, Weaver, Welch, Whitaker, Willey, Wiseman, A. W. Wooten, Ziglar,—75.

Those who voted in the negative, were, Messrs. Barringer, Borden, Beeman, Bargin, Cunningham, Cuthbertson, Davidson, Dewes, Eccles, Grady, Guthrie, Harper, Haritt, Hill, Irvine, Lyon, Mangum, Maulsby, Monk, McLaurin, McLeod, McMillan, McNeill, Park, Pearson, Poindexter, Sloan, Thomas, Waddell, Ward, Wichee, C. Wooten—32.

Received from His Excellency the Governor, by his private Secretary Mr. Hill, the following communication:

To the Honorable the General Assembly of the State of North Carolina:

Gentlemen,—I have the honor to transmit you the Report of the Board of Internal Improvement for the last year, and am, very respectfully, your ob'dt serv't.

Executive Office, 4th Dec. 1832.

M. STOKES.

The message was read and ordered to be sent to the Senate, with a proposition that the said report be printed.

And the House then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, DECEMBER 6, 1832.

A message was received from the Senate, informing that they had passed the engrossed bill to repeal an act, passed in the year 1830, chapter 40, to prohibit the circulation in this State, after the 4th of July 1832, of bank notes, under five dollars, issued by the banks of other States, also; that they had passed the engrossed bill to authorise David W. Borden of Carteret county, to erect a gate across the road leading from the cross roads on White Oak river to Borden's ferry; and asking the concurrence of this House. The said bills were read the first time and passed.

A message from the Senate, informing that they had passed the engrossed bill to amend an act passed, in the year 1821, entitled an act to incorporate a company, entitled the Roanoke Inlet Company and for other purposes, and an act amendatory of the same, passed in the year 1828, with an amendment, and asking the concurrence of this House therein. The amendment was read and concurred in.

Mr. Roberts, presented a bill to allow commissions to constables in Hertford county, which was read the first time and passed, and on Mr. Mangum's motion referred to the committee on private bills.

Mr. Glass, presented a bill to repeal so much of an act passed A. D. 1830, entitled an act to appoint commissioners to superintend the building of a Court House in the county of Burke. Mr. Smith, a bill to authorise the making of a turnpike road in the county of Haywood, and to incorporate a company for that purpose. Mr. McLaurin, a bill to exempt the teachers and students of Literary schools from militia duty. Mr. Ward, a bill to incorporate the Onslow Troopers. Mr. Eccles, a bill to incorporate the Lafayette Hotel Company, in the town of Fayetteville. Mr. Carter, a bill to repeal the third section of an act, passed in the year 1806, entitled an act to revise the militia laws of this State, relative to the cavalry, chapter 709; and Mr. Word a bill to alter the line separating the north and south regiments of militia, in the county of Surry. These bills were read the first time and passed.

Mr. Townsend, from the committee on propositions and grievances, to whom was referred the petition of sundry citizens of Bertie county, upon that subject, reported a bill for the relief of Britton Jones of Bertie county. The said bill was read the first time and passed.

The resolutions in favor of William C. Butler and others, was read the second time, amended on motion of Mr. Ridley and passed.

The resolution in favor of James Long, sheriff of Perquimons county, was read the second time and passed.

Mr. Jarvis, presented a bill to create two additional wreck districts in the county of Hyde and for other purposes, which was read the first time and passed.

Mr. Townsend, from the committee on propositions and grievances, to whom was referred the petition of Jacob and Elizabeth Phonts, reported unfavorably thereon, and prayed that the committee be discharged from the further consideration thereof. The report was concurred in.

On motion of Mr. Gary, Ordered that a message be sent to the Senate informing them of the readiness of this House now to receive the Senate in the Commons Hall, for the purpose of witnessing the qualification of the Governor elect. It being now 12 o'clock, David L. Swain, the Governor elect for the ensuing year, attended by the joint select committee heretofore appointed, waited upon the General Assembly, both branches being assembled in the Common's Hall, and took and subscribed the several oaths of office prescribed by law for his qualification; the oaths having been administered by the Honorable Joseph J. Daniel, one of the judges of the superior courts of law and equity.

On motion of Mr. Hinten, the bill making an appropriation and appointing commissioners for the rebuilding of the Capitol in the City of Raleigh, was made the order of the day for Tuesday next.

The House then adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DECEMBER 7, 1832.

On motion of Mr. Bonner, ordered that a message be sent to the Senate proposing that Wednesday evening next, be set apart for the recommending of field officers and justices of the peace.

Mr. Brower, presented a resolution instructing the committee on the judiciary to inquire into the expediency, of so regulating sales under execution, as to allow lands to be sold upon a credit by instalment; such regulation not to interfere with the enforcing of any contract already made. This resolution was rejected.

Mr. Pearson, presented the memorial of the 64th regiment of militia, complaining of the inequality of the present representation, of the people of this State, in the State Legislature, and praying the calling of a convention, for a revision of the subject. The said memorial was referred to the joint select committee on convention.

On motion of Mr. Pearson.

Resolved, That the committee on the judiciary be instructed to report a bill declaratory of the duties and powers of the inspectors, sheriffs and deputy sheriffs holding elections in this State.

Mr. Clayton presented a resolution in favor of Mary Edwards and others, which was read, and, on motion of Mr. Clayton, referred to the committee on claims.

Mr. Dockery, from the committee on private bills to whom was referred a bill to appoint an additional place of public sale in the county of Beaufort, reported the same with an amendment.

Mr. Dewes, from the joint select committee raised upon the subject, reported a bill to provide for the more prompt administration of justice in the

counties of Burke, Buncombe, Lincoln and Rutherford; the said bill was read the first time and passed.

A message from the Senate, transmitting a communication from the adjutant-general, and proposing that it be referred to the joint select committee on military affairs; which was agreed to.

A message from the Senate, informing that they had passed the engrossed bill more effectually to provide for the payment of jurors, in the county of Anson, and asking the concurrence of this House therein; the said bill was read the first time and passed.

A message from the Senate concurring in the proposition of this House, that the message of the Governor of the 4th instant, with the accompanying documents, be printed; and agreeing to the proposition of this House, that a joint select committee be raised to inquire into the number and condition of the Cherokee Indians, now living in the State, and into the expediency of extending the laws of the State throughout her chartered limits; and informing that Messrs. Bailey, Brittain, Dobson, Parham and Ray form the committee on the part of the Senate. Messrs. Whitaker, Davidson, Edmonston, McLeod and S. T. Sawyer form this committee on behalf of the Commons.

Mr. McLaurin presented a bill to re-mark and renew the dividing line between Richmond and Robeson counties; Mr. Burgin a bill concerning the hands working on roads in the county of Burke; Mr. Ward a bill to prevent the felling of timber in, or otherwise obstructing the channel of the North-east branch of New river, in Onslow county; Mr. Bragg a bill to amend an act, passed in the year 1818, concerning the supreme court; Mr. Davidson a bill for the better regulation of the town of Statesville; Mr. Hinton a bill to incorporate the trustees of the Rolesville Academy, in the county of Wake; and Mr. Gary a bill to incorporate the Northampton Troop of Cavalry; these bills were read the first time and passed.

The House now proceeded to the order of the day and resolved itself into a committee of the whole, Mr. Sumner in the Chair, on the bill defining and limiting the power of courts in inflicting punishments for contempts, and after some time spent therein the Speaker resumed the Chair, and the Chairman in obedience to the order of the committee, reported the said bill to the House without amendment. The said bill was thereupon read the second time and rejected. Yeas 48. Nays 73. The yeas and nays demanded by Mr. R. Jones.

Those who voted in the affirmative, were Messrs. Allison, Blowe, Carter, Courts, Craige, Fadlis, Gillespie, Hammond, Hardison, Harrison, Hartley, Hinton, Horton, Irion, Jarvis, R. Jones, Ledford, Little, Mullen, Murray, McCleese, Nelson, Outlaw, Pierce, Potts, Rand, Relfe, Roberts, Saintclair, S. T. Sawyer, F. A. Sawyer, Settle, Simmons, Smith, Stallings, Sumner, G. A. Thompson, Tiftett, Townsend, Wadsworth, Weaver, Welch, Whitaker, Willey, Wiseman, Witcher, Word, Ziglar,—48.

Those who voted in the negative, were Messrs. Abernathy, Adams, Arrington, Baker, Barringer, Boddie, Bonner, Bragg, Brower, Beeman, Burgin, Burns, Canster, Clark, Clayton, Cloman, Cromwell, Cunningham, Cuthbertson, Davidson, Dewes, Dockery, Eccles, Edmonston, Enloe, Gary, Gee, Glass, Grady, Graves, Guthrie, Gwynn, Harper, Hart, Hill, Irvine, J. B. Jones, Jordan, Judkins, Lancaster, Lee, Locke, Long, Lowdermilk, Lyon, Mangum, Marsteller, Mask, Maulsby, McLaurin, McLeod, McMillan, McQueen, Norman, Park, Peoples, Pearson, Poindexter, Shepard, Sherwood, Skinner, Sloan, Spruill, Stephens, Thomas, L. Thompson, Taustall, Ury, Waddell, Ward, Watson, A. W. Wooten, C. Wooten.

On motion of Mr. G. A. Thompson, ordered, that a message be sent to the Senate, proposing to ballot immediately for major-general of the 8th division of militia, and informing that the name of John I. Pasteur is in nomination.

A message from the Senate, informing that they had passed the engrossed

bill, to establish the boundary line between the counties of Washington and Beaufort; also the bill to attach the Longacre company of militia, in the county of Beaufort, to the Bath battalion in said county; also the bill for the better regulation of Jamestown in Martin county, and the engrossed bill authorizing widows of persons dying intestate to file their petitions for a year's support before letters of administration are granted, and asking the concurrence of this House. The said bills were read the first time and passed; the first named on Mr Clark's motion was referred to the committee on private bills; and the last named on Mr. Daniel's motion to the committee on the judiciary.

The resignation of John L. Smith, colonel-commandant of the Haywood county militia, received from the Senate, was read and accepted.

The bill to erect, out of a portion of the counties of Burke and Buncombe, a separate and distinct county, by the name of Yancey, was taken up, and, on motion of Mr. Outlaw, ordered to lie on the table.

The engrossed resolution in favor of James Long, Sheriff of Perquimons county, was read the third time and passed and ordered to be enrolled.

The engrossed resolutions in favor of William C. Butler and others, were read the third time and passed. Ordered, that a message be sent to the Senate asking the concurrence of that House in the amendments heretofore made by this House.

The bill to repeal an act, passed in the year 1828, entitled, an act repealing the several acts establishing and regulating the special courts of Burke county; the bill to prevent disputes, in consequence of a late survey of the line, dividing the counties of Anson and Mecklenburg; the bill to incorporate the Anson dragoons; the bill concerning the upper regiment of Chatham county militia; the bill to incorporate the Haywood boating company; the bill to compel the Register of Buncombe county to keep his office in Asheville, during the weeks of the county and superior courts; and the bill to incorporate the Scotland Neck Guards, were severally read the third time, passed and ordered to be engrossed.

The bill to authorize seven justices of the peace, in the county of New Hanover, to receive, take and renew the bonds of the sheriff and the clerks of the court of pleas and quarter sessions of said county, was, on motion of Mr. Hill, laid on the table.

The bill to regulate the courts of pleas and quarter sessions of Davidson, Hyde and Onslow, was read the second time, amended by striking out the counties of Hyde and Onslow and passed.

The bill to restore to credit Thomas Daves, of the county of Macon; the bill to repeal an act, passed at the last session of the General Assembly, chapter 122, entitled, an act to authorize the county court of Guilford, to appoint overseers and hands to clear out the channel of the Reedy Fork of Haw river, in Guilford county; the bill exempting Powell's Point and Poplar Branch companies of militia in Currituck county, from attending regimental musters at the court-house therein; and the bill amending the patrol laws, so far as relates to the county of Camden, was read the second time, amended and passed.

The engrossed bill to abolish the office of county trustee, in the counties of Buncombe, Nash, Hyde, Guilford, Rowan, Onslow, Columbus and Beaufort, was read the second time; Mr. Peebles moved that the word Guilford and Mr. Murray, the word Hyde be stricken out of said bill; and Mr. Gillespie moved that Duplin be added, which motions prevailed. Mr. Bonner moved the following amendment: "provided nevertheless, that nothing in this act

contained shall be so construed, as to compel the justices of the county court of Beaufort, to abolish the office of county trustee of said county; but they shall be authorized and empowered to abolish said office, a majority of the acting justices consenting thereto;" this amendment was received. Mr. Ziglar moved to insert the word Stokes after the word Beaufort, in said bill and amendment; and Mr. Davidson moved that the said bill be postponed indefinitely; pending this question, the House on motion adjourned until to-morrow morning, 10 o'clock.

SATURDAY, DECEMBER 8, 1832.

Mr. Emmett presented a bill to prevent protracted and vexatious litigation, by enlarging the jurisdiction of justices of the peace out of court, which was read the first time and passed, and, on motion of Mr. Bragg, referred to the committee on the judiciary.

Mr. Townsend, from the committee on propositions and grievances, to whom was referred the bill to emancipate Horace, a slave, reported the same without amendment.

Mr. Thomas presented the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the propriety and expediency of so amending an act of the General Assembly, passed in the year 1801, entitled an act to amend the several acts of the General Assembly of this State, to prevent excessive gaming, as to extend the provisions of said acts to persons playing at any of said games in all other places as well as at houses of entertainment or at the houses of tavern keepers.

This resolution was read and rejected.

A message from the Senate, proposing to raise a joint select committee, to be styled the committee on public buildings, and informing that Messrs. Boddie, Tyson, Norman, Hall and Wellborn form said committee on the part of the Senate; the proposition was concurred in, and Messrs. L. Thompson, Graves, McMillan, Parke and Rand appointed to form this committee on the part of the Commons.

A message from the Senate, informing that they had passed the following engrossed bills, viz. A bill to prevent the felling of timber in, or otherwise obstructing the run of Bear Creek and its branches, in the counties of Lenoir and Wayne; a bill to regulate the collection of State witness tickets, so far as respects the county of Guilford; and a bill to alter and amend an act, passed in the year 1829, entitled, an act for the improvement of the road, from the old Fort in Burke to Asheville in Buncombe, and asking the concurrence of this House; the said bills were read the first time and passed.

A message from the Senate agreeing to the proposition of this House, that Wednesday evening next be set apart for the recommendation of field officers and justices of the peace.

Mr. Enloe presented a bill to amend an act, passed in the year 1827, entitled, an act to keep open the Tuckaseegee and Tennessee rivers, in Haywood county; Mr. McNiell a bill to incorporate Silver Run Academy, in the county of Cumberland; these bills were read the first time and passed.

The bill vesting in the courts of pleas and quarter sessions, of the several counties within this State, the right of establishing additional places of public sale in their respective counties, was read the second time and passed.

The House now proceeded to the unfinished business of yesterday, and took up the bill to abolish the office of county trustee in the counties of Buncombe, Nash, Hyde, Guilford, Rowan, Onslow, Columbus and Beaufort; when, on motion of Mr. G. A. Thompson, the same was ordered to lie on the table.

The resignation of David Newland, of Burke county; of Green Huckabee, of Wake; of John Arrington, of Nash, and of Regim Royal, of Sampson county, justices of the peace, were presented, read and accepted.

The bill to exempt from execution, a portion of the land of the citizens of North Carolina, was read the second time. Mr. McLeod moved that the House do now resolve itself into a committee of the whole on said bill, which was not agreed to; Mr. Allison moved that the said bill be postponed indefinitely, which was decided in the affirmative. Yeas 70. Nays 51. The yeas and nays called for by Mr. Emmitt.

Those who voted in the affirmative were, Messrs. Abernathy, Adams, Allison, Barringer, Blowe, Boddie, Bragg, Brower, Beeman, Burgin, Cansler, Clayton, Cromwell, Cuthbertson, Dewes, Dockery, Eccles, Gillespie, Glass, Grady, Guthrie, Gwynn, Harper, Harrison, Hinton, Hurst, Irvine, Jarvis, J. B. Jones, R. Jones, Jordan, Judkins, Lancaster, Lee, Ledford, Little, Lyon, Mangum, Marsteller, Maulsby, Montgomery, Murray, McCleese, McLaurin, McMillan, Park, Pierce, Potts, Rand, Relfe, Roberts, Sherwood, Simmons, Smith, Stallings, Stephens, G. A. Thompson, L. Thompson, Tillet, Tunstall, Ury, Waddell, Ward, Wason, Weaver, Welch, Willey, Wiseman, A. W. Wooten, C. Wooten.—70.

Those who voted in the negative, were, Messrs. Arrington, Baker, Bonner, Burns, Carter, Clark, Cloman, Courts, Craige, Cunningham, Daniel, Davidson, Edmonston, Emmitt, Enloe, Faddis, Gee, Graves, Hammond, Hardison, Hart, Hartly, Horton, Irion, Locke, Long, Loudermilk, Mask, Monk, McLeod, McNeill, Nelson, Norman, Outlaw, Peeples, Pearson, Poindexter, Sainclair, S. T. Sawyer, F. A. Sawyer, Settle, Skinner, Sloan, Spruill, Thomas, Townsend, Wadsworth, Whitaker, Witcher, Word, Ziglar.—51.

The engrossed resolution in favor of Charles Baldwin; the bill amending the several acts of Assembly, incorporating the Roanoke and Cape Fear Navigation Companies, and prescribing the mode of enforcing the collection of tolls; the engrossed resolution in favor of William Ellison; and the engrossed resolution in favor of Joshua Williamson, sheriff of Columbus county, were severally read the second time and passed.

The message from the Senate, concurring in the amendments made by the House of Commons, to the engrossed resolutions in favor of William C. Butler and others; ordered, that said resolutions be enrolled.

The bill to repeal in part an act, passed in the year 1806, entitled, an act to revise the militia laws of this State relative to the infantry, was taken up, and, on motion of Mr. S. T. Sawyer, laid on the table. On motion, the House adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 10, 1832.

Received from His Excellency, Governor Swain, by the hands of Mr. Hill, his private Secretary, the following communication:

To the honorable the General Assembly of the State of North-Carolina.

Gentlemen.—The accompanying communication and documents have been received at this department from the Executive of the State of South Carolina, and are now laid before you in compliance with the request therein contained.

I have the honor to be, gentlemen, your obedient servant,

Executive Office, N.C. December 10, 1832.

D. L. SWAIN.

The message with the accompanying documents, were read, and, on motion of Mr. Mangum, ordered to be sent to the Senate with a proposition that they be referred to a joint select committee.

On motion of Mr. Potts, ordered that the Senate be informed that the name of Richard H. Bonner, is added to the nomination for a major general of the eighth division of militia, and proposing that a balloting for this officer, take place to-morrow.

Mr. Arrington, presented a bill to incorporate an Academy, on the lands of Martin R. Garrett in the county of Nash, by the name and title of Stony

Hill Academy. Mr. G. A. Thompson, a bill to amend an act, passed in the year 1829, entitled to provide for the compensation of jurors in the counties of Beaufort, Onslow, Hyde, Anson and Duplin. Mr. Barden, a bill to amend an act, passed in the year 1824, entitled an act to prevent fire hunting of fowl in Carteret county. Mr. Shepard, a bill concerning charities; and Mr. McLaurin, a bill to compel sheriffs and jailors to advertise in the State Gazette, all runaway slaves committed to their respective jails. These bills were read the first time and passed.

Mr. Grey, presented a bill supplementary to an act, entitled an act to enact with sundry alterations and additions, an act entitled an act to incorporate the Petersburg Rail Road Company, passed by the Legislature of Virginia on the 19th day of February, A. D. 1833; and Mr. Gatherie a bill to authorise the courts of pleas and quarter sessions within the several counties in this State, to license slaves and free negroes to preach, pray or exhort in public in certain cases. These bills were read the first time and passed; and the first named on motion, referred to the committee on Internal Improvements, and the last to the committee on the judiciary.

Mr. O'Brien, presented the petition of the President, Directors and Company, of the Portsmouth and Roanoke Rail-road, asking the passage of an act, authorising the extension of their contemplated road within the limits of this State, which was, on Mr. O'Brien's motion, referred to the committee on Internal Improvements.

Mr. McNeill, presented the petition of sundry citizens of the county of Cumberland, praying that a certain portion of the Territory of said county, may be attached to the county of Wake. The said petition was referred to the committee of propositions and Grievances.

The bill to repeal an act, passed at the last session of the General Assembly, chapter 122, entitled an act, to authorise the county court of Guilford, to appoint overseers and hands to clear out the channel of the Reedy Fork of Haw river in Guilford county. Also the bill to restore to credit Thomas Daves of the county of Macon: also the bill to appoint an additional place of public sale in the county of Beaufort: and the bill amending the patrol laws, so far as relates to the counties of Camden and Pasquotank, were read the third time, passed and ordered to be engrossed.

A message from the Senate, informing that they had passed the engrossed bill to appoint commissioners, for the town of Haywood in the county of Chatham, and for the better regulation of the same; and asking the concurrence of this House. The said bill was read the first time and passed.

The resignation of J. R. Hunter, a justice of the peace of the county of Gates, was presented, read and accepted.

The House then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 11, 1832.

Mr. Abernathy, presented the certificate of the county court of Lincoln, in favor of John Starrett, a pensioner of the State, shewing an allowance made him, of Ninety-six dollars, for the past year, which was ordered to be countersigned by the Speaker of the Commons, and transmitted to the Senate.

Mr. Courts presented the memorial of sundry citizens of the county of Surry, praying that a convention may be called for the purpose of revising and amending the constitution of the State; which on his motion was referred to the joint select committee on that subject.

Mr. Parke, presented the following resolution which was read and rejected.

Resolved, That the committee on Internal Improvements, be instructed to inquire into the expediency of amending the laws relative to the roads within the several counties in this State, and the persons who are required to work upon the same, so as to provide that no white citizen shall be compelled to work upon any road or roads, more than eight days in the year, and if such road or roads cannot with that amount of labor be kept in good repair, then to provide that such road or roads, shall be kept in good repair out of the funds of the State.

The resignation of Tilman Harris as major of the first regiment of Guilford militia, and of Isaac S. Gibson a justice of the peace of the county of Stokes, were presented, read and accepted.

Mr. Ziglar presented a bill to establish Good Spring Grammar School, in the county of Stokes, and to incorporate the trustees thereof, which was read the first time and passed.

A message from the Senate, agreeing to ballot this day, as proposed, for a major general of the eighth division, and informing that Messrs. Ray and Howell form their balloting committee. Messrs. Baker and Horton were appointed this committee on behalf of the Commons.

A message from the Senate agreeing to the proposition of this House to refer to a joint select committee the South Carolina documents, yesterday transmitted by his Excellency the Governor, and informing that Messrs. Toomer, Seawell, Bailey, Williams and Leak, form the committee on their part. Messrs. Bragg, Pearson, Potts, Eccles and S. T. Sawyer were appointed to compose said committee on behalf of the Commons.

A message from the Senate, informing that they had passed the following engrossed bills, viz. A bill to prevent the felling of timber in, or otherwise obstructing the channel of Little River, from Bumper's Fork to the county line in Montgomery county; and a bill to repeal an act, passed in the year 1830, entitled, an act to repeal part of the second section of an act, passed in the year 1805, chapter 708, entitled, an act to revise the militia laws of this State, and asking the concurrence of this House. The said bills were read the first time and passed.

Mr. Bragg, from the committee on claims, to whom was referred a resolution in favor of Zac. Candler, of Buncombe, reported the same without amendment; the said resolution was then read and adopted and ordered to be engrossed.

The engrossed resolution in favor of Charles Baldwin; also the engrossed resolution in favor of William Ellison; and the engrossed resolution in favor of Joshua Williamson, sheriff of Columbus county, were severally read the third time, adopted and ordered to be enrolled.

The bill vesting in the courts of pleas and quarter sessions, of the several counties within this State, the right of establishing additional places of public sale in their respective counties, was read the third time, passed and ordered to be engrossed.

The bill to authorize the altering and amending of the State-road, running through the county of Haywood; the bill to incorporate two volunteer companies in the county of Pasquotank; the bill amendatory of the act of 1831, entitled, an act to authorize the Governor of the State to grant certain lands to the trustees of Franklin Academy, in the county of Macon; the engrossed bill to prevent the felling of timber in, or otherwise obstructing the navigation of Goshen, between Hurst's Bridge and the North-east River; the bill to alter the time of electing and renewing the bonds of certain officers in the county of Mecklenburg; the bill providing compensation for jurors in the county of Cabarrus; the bill to incorporate the Experimental Rail-road Com-

pany, in the city of Raleigh; and the engrossed bill to incorporate a cavalry company, in the county of Duplin, were severally read the second time and passed.

A message from the Senate, transmitting the report of the joint committee on finance upon the State of the public treasury, and proposing that said report be printed; the proposition was agreed to.

The engrossed bill authorising the county court of Gates, to have the records of said county transcribed, and to make copies of such transcribed records evidence in all suits at law and equity in this State; also the engrossed bill to authorize the county court of Wake to lay a tax for building a substantial fire-proof Court House, or a substantial fire-proof Office, for the safe keeping of the public records of the county; and the engrossed bill to restore Joshua Pinion, of Wilkes county, to credit, were severally read the second time, amended and passed.

The engrossed bill to restore John Bates, of Macon county, to credit, was read the second time, and, on motion of Mr. Outlaw, postponed indefinitely.

The bill to repeal an act, passed in the year 1830, chapter 48, entitled, an act to alter the time of holding the superior courts of law and equity, for the counties of Carteret, Onslow, Lenoir and Craven, and to lengthen the term of Craven superior courts, was read the second time, and, on Mr. Borden's motion, laid on the table.

The House now proceeded to the special order of the day, and took up the bill making an appropriation and appointing commissioners, for the rebuilding of the Capitol in the city of Raleigh, when the same was, on motion, postponed and made the order of the day for Thursday next.

Mr. Baker, from the balloting committee for a major-general of the 8th division, reported that John I. Pasteur had received a majority of the whole number of votes and was duly elected. The report was concurred in.

A message from the Senate, informing that they had passed the engrossed bill to compel the register of Buncombe county, to keep his office in Asheville, during the weeks of the county and superior courts, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in.

A message from the Senate, proposing that a joint select committee be raised on the part of each House, to inquire what arrangements may be necessary to provide for the accommodation of the Governor for the ensuing year.

A message from the Senate, proposing that the two Houses ballot on Thursday next for counsellors of State for the ensuing year, and nominating Robert C. Watson, John W. Carson, Meshack Franklin, Owen Holmes, Nathan B. Whitfield, Alfred Jones and George W. Jeffreys for the appointment. The proposition was agreed to, and the names of Josiah O. Watson and William B. Lockhart were added to the nomination.

The bill to repeal in part an act, passed in the year 1828, entitled, an act to amend the law with respect to the collection of debts from the estates of deceased persons, and the law in relation to the levying of executions, issued by justices of the peace, was read, and, on motion of Mr. Courts, referred to the committee on the judiciary.

The bill to alter and amend the criminal laws of the State, was, on motion of Mr. S. T. Sawyer, laid on the table.

The bill to repeal an act, passed A. D. 1830, entitled, an act to prohibit the circulation in this State, after the time therein mentioned, of bank notes under five dollars, was read the second time, and, on motion of Mr. Norman, indefi-

nitely postponed. Yeas 70. Nays 54. The yeas and nays demanded by Mr. Brower.

Those who voted in the affirmative were. Messrs. Adams, Arrington, Baker, Boddie, Bonner, Borden, Beeman, Carter, Cloman, Cromwell, Daniel, Eccles, Faddis, Foscue, Gary, Gee, Gillespie, Grady, Guthrie, Gwynn, Hammond, Hardison, Harper, Harrison, Hart, Hill, Hinton, Hurst, Jarvis, J. B. Jones, Judkins, Little, Long, Lyon, Marsteller, Monk, Mullen, Murray, McCleese, McLeod, McMillan, Nelson, Norman, Outlaw, O'Brien, Pierse, Potts, Rand, Relfe, Roberts, S. T. Sawyer, Shepard, Sherwood, Simmons, Skinner, Sloan, Spruill, Stallings, Stephens, Sumner, G. A. Thompson, L. Thompson, Tillet, Townsend, Tunstall, Waddell, Ward, Welch, Willey, A.W. Wooten.—70.

Those who voted in the negative, were, Messrs. Abernathy, Allison, Barringer, Blowe, Brower, Burgin, Cansler, Clark, Clayton, Courts, Craige, Cunningham, Cuthbertson, Dewes, Edmonston, Emmitt, Enloe, Glass, Graves, Hart, Horton, Irion, Irvine, R. Jones, Jordan, Lee, Ledford, Locke, Loudermilk, Mangum, Maulsby, Montgomery, McLaurin, McNeill, McQueen, Park, Peeples, Pearson, Poindexter, Polk, Saintclair, Settle, Smith, Thomas, Ury, Wadsworth, Watson, Weaver, Whitaker, Wiseman, Witcher, C. Wooten, Word, Ziglar.—54.

On motion, ordered, that the Senate be informed that Messrs. Edmonston, Courts, Barringer, Gary and Waddell form, on the part of the Commons, the joint select committee to make provision for the accommodation of the Governor for the ensuing year. The House then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, DECEMBER 12, 1832.

Mr. G. A. Thompson presented a resolution founded on a petition in favor of the militia of Onslow county, which was, on Mr. Thompson's motion, referred to the committee on claims.

Mr. Cansler presented the petition of the heirs of Christian Eaker, deceased, praying the emancipation of certain slaves, the property of said deceased. The petition was read, and, on Mr. Cansler's motion, referred to the committee on propositions and grievances.

Mr. Irion presented a bill to incorporate the Leakesville toll-bridge company, in the county of Rockingham; and Mr. McCleese a resolution in favor of Frederick and Elias Liverman; which were read the first time and passed.

A message from the Senate, proposing that the two Houses ballot immediately for a Public Treasurer and Comptroller, and nominating William S. Mhoon and James Grant, the present incumbents, for these offices. The proposition was agreed to and Messrs. Gee and Watson appointed to conduct the balloting. A message from the Senate, informing that Messrs. Skinner and Askew form this committee on their part.

A message from the Senate, informing that they had passed the following engrossed bill and resolutions, viz. A bill to provide for the registration of copies of grants for land; a resolution instructing the Public Treasurer to settle certain conflicting claims with the Cape Fear Bank; and a resolution in favor of the Public Treasurer; and asking the concurrence of this House. The said bill and resolutions were read the first time and passed.

Received from the Senate the following resolution, endorsed, read and adopted, viz.

Resolved, That the committee on public buildings be instructed to cause the roof of the Secretary's office to be examined, and report whether it is more advisable to repair the same or place on a new roof.

The said resolution was read and concurred in.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Haywood boating company, with sundry amendments.

and asking the concurrence of the Commons. The said amendments were read and concurred in.

The bill to alter the time of electing and renewing the bonds of certain officers, in the county of Mecklenburg; the bill to incorporate two volunteer companies, in the county of Pasquotank; the bill to authorize the altering and amending of the State-road, running through the county of Haywood; the bill amendatory of the act of 1831, entitled, an act to authorize the Governor to grant certain lands to the trustees of Franklin Academy, in the county of Macon; the bill providing compensation for jurors, in the county of Cabarrus; and the bill amending the several acts of Assembly, incorporating the Roanoke and Cape Fear navigation companies, and prescribing the mode of enforcing the collection of tolls, were read the third time and passed and ordered to be engrossed.

On motion of Mr. Hartley; ordered that a message be sent to the Senate, proposing to ballot immediately, for a brigadier general of the 2nd brigade and 8th division, and informing that Wyatt Moye is in nomination for the appointment. The proposition was agreed to, and Messrs. Melvin and Hall appointed their balloting committee. Messrs. Spruill and Faddis form this committee on the part of this House.

The bill to provide for having the militia laws of this State digested, revised and published, was read and on motion of Mr. Arrington laid on the table.

The bill to extend the provisions of an act, passed in the year 1830, entitled an act to prevent slaves from attending muster or election grounds, on the day of muster or election in certain counties, was read and on motion of Mr. Cansler indefinitely postponed.

The bill concerning charities: the resolution in favor of the Executor of Walter Davenport of Lenoir county: the resolution in favor of John Robbins of Randolph county: and the resolution in favor of Abdell Darnall were severally read the second time and passed.

The bill to exempt teachers and students of Literary schools from militia duty, was read and on motion of Mr. Parker referred to the committee on education.

Mr. Gee, from the committee appointed to conduct the balloting for Public Treasurer and Comptroller, reported that William S. Mhoon was duly elected to the first named, and James Grant to the second named office. The report was concurred in.

The engrossed bill to repeal an act, passed in the year 1830, Chapter 40, to prohibit the circulation in this State, after the fourth day of July 1832, of bank notes, under five dollars, issued by the banks of other States, was read and on motion of Mr. S. T. Sawyer indefinitely postponed.

The bill to compel sheriffs, and jailors to advertize in the State Gazette, all runaway slaves committed to their respective jails, was on Mr. McLaurin's motion referred to the committee on the judiciary.

The bill to repeal the third section of an act, passed in the year 1806, entitled an act to revise the militia laws of this State relative to the cavalry, was read the second time and rejected.

Mr. Spruill, from the committee appointed to conduct the balloting for a brigadier general of the 2nd brigade and 8th division reported that Wyatt Moye had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

The engrossed bill to repeal an act, passed in the year 1830, entitled an act

to repeal part of the second section of an act passed in the year 1806, Chapter 708, entitled an act to revise the militia laws of this State, was read the second time, Mr. Wiseman, moved that it be indefinitely postponed, when on motion of Mr. S. T. Sawyer, the said bill was laid on the table.

The House then adjourned until to-morrow morning, 10 o'clock.

THURSDAY, DECEMBER 13, 1832.

Received from His Excellency Governor Swain, by his private Secretary Mr. Hill, the following communication, viz:

To the Honorable the General Assembly of the State of North Carolina:

Gentlemen,—I transmit herewith a file of letters communicating the resignation of various individuals as justices of the peace and field officers of the militia, which were received at this department during the administration of his Excellency Governor Stokes. I also send herewith a report this day received from the President and Directors of the Club Foot and Harlows Creek Canal Company.

I have the honor to be, gentlemen, your obedient servant,

Executive Office, December 12, 1832.

D. L. SWAIN.

A message from the Senate, informing that Messrs. Montgomery of Hertford, Matthews, Faison, Melvin and Lamb, form on the part of the Senate, the joint select committee to inquire what arrangements are necessary to be made for the accommodation of the Governor, during the next year.

A message from the Senate, informing that they had passed the following engrossed bills and resolution, and asking the concurrence of this House. viz: A bill to amend the second section of act, passed at the last Session of the General Assembly, entitled an act for the better regulation of the conduct of negroes, slaves, and free persons of color: A bill to authorize the justices of the peace for the county courts of Camden, Buncombe, Gates, Perquimons, Wake and others, on petition, to appoint commissioners to set off widows' dowers, lay out, alter and straighten roads, &c: A bill to legitimate Arcadia Harris, and entitle her to inherit from both parents: A bill to incorporate the town of Whitesville in the county of Columbus; and a resolution in favor of Solomon Summers. These bills and resolution were read the first time and passed.

Mr. Townsend, from the committee on propositions and grievances, to whom was referred the petition of sundry inhabitants of the town of Whitesville, reported unfavorably thereon, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Burns, submitted the following resolutions, which were read and adopted, viz:

Whereas, it is considered good policy for a state in time of peace to prepare for war; and whereas, North Carolina may be the theatre of a war, arising from the consideration of her own population, as well as from other causes, and be forced to rely on her own means of defence before any aid can be received from the General Government: and whereas, it is a well known fact, that this state has many field pieces of artillery, lying in various places in a dismantled condition: Therefore,

Resolved, That the military committee be instructed to inquire into the expediency of mounting a portion of the said field pieces of the denomination of two, four and six pounders; and that said committee be further instructed to inquire into the expediency of procuring ammunition for the use of the said field pieces, and distributing the artillery thus mounted and the ammunition to be used with the same, in such places as the said committee may judge best for the safety of the state.

And whereas, it appears to this General Assembly, by the report of the Adjutant General, that there are at present but a very few men belonging to the corps of artillery:

Resolved, That the aforementioned committee be instructed to inquire into the causes which have produced the diminution of said corps, and report to this House some plan by which that branch of the militia may be augmented and be made more efficient.

And whereas, by the Adjutant General's Report it appears that out of more than sixty

five thousand men enrolled in the militia, less than one thousand are mounted and accoutred as cavalry; therefore, *Resolved*, That the aforesaid committee be instructed to inquire into the expediency of encouraging an augmentation of that branch of the public defence.

Resolved, That said committee further inquire into the expediency of encouraging uniform volunteer companies of infantry throughout the state, and placing a portion of the public arms in the hands of the same, and that efforts be made to infuse more energy into the militia than they now possess, by placing them on a more efficient establishment.

Resolved, That said committee inquire into the expediency of immediately procuring cartridge-boxes with belts for the same, with bayonet cases, pistol holsters, sword-slugs, &c., that the arms received by the state as its quota from the General Government, may be used whenever occasion may call for them.

Mr. Gary, presented a bill, to prevent the obstruction of fish passing up the Roanoke and Cashie rivers, which was read the first time and passed, and on motion of Mr. Outlaw, referred to the committee on propositions and grievances.

Mr. O'Brien, presented a bill to repeal in part, an act of the General Assembly, passed in the year 1787, Chapter 278, entitled an act, for making process in equity effectual against persons who abscond and who reside without the limits of the State, and for better regulating the proceedings in courts of equity and for other purposes. Mr. A. W. Wooten, a bill to amend an act, passed in the year 1826, entitled an act to appoint commissioners for the town of Kinston in the county of Lenoir. Mr. Clayton, a bill to alter the time of holding one of the terms of the courts of pleas and quarter session for the county of Buncombe: and Mr. Stallings, a bill to allow further time to open books for the purpose of receiving subscriptions for stock in the Lake Drummond and Orapeake Canal Company. These bills were read the first time and passed.

The bill to re-appoint commissioners for the town of Waynesville in Haywood county: and the bill authorising Robert Henry to erect a mill on Hominy creek in Buncombe county, were read the second time and passed.

The bill directing the manner in which constables shall hereafter be elected in the county of Davidson was read, amended, on Mr. Weaver's motion, by adding the county of Buncombe; and on motion of Mr. Skinner, ordered to lie on the table.

The House, on motion of Mr. Geo. A. Thompson, now proceeded to the order of the day, and, on motion of Mr. Outlaw, resolved itself into a committee of the whole, Mr. Bragg in the Chair, on the bill making an appropriation and appointing commissioners for the re-building of the Capitol in the City of Raleigh, and after sometime spent therein, the Speaker resumed the Chair, and the Chairman in obedience to the order of the committee, reported the said bill to the House, without amendment. The said bill was thereupon read the second time, amended, on Mr. Bragg's motion and passed, yeas 73, nays 60. The yeas and nays demanded by Mr. Bragg.

Those who voted in the affirmative, were Messrs. Adams, Arrington, Baker, Blowe, Boddie, Bonner, Borden, Bragg, Beeman, Burns, Carter, Clark, Cloman, Craige, Cromwell, Daniel, Foscue, Gary, Gee, Gillespie, Grady, Graves, Hammond, Hardison, Harper, Harrison, Hartley, Hinton, Hurst, Jarvis, J. B. Jones, R. Jones, Jordan, Judkins, Lancaster, Lee, Little, Long, Maultsby, Mullen, Murray, McCleese, McLeod, McMillan, Nelson, Norinan, Outlaw, O'Brien, Pierce, Potts, Rand, Relfe, Ridley, Roberts, S. T. Sawyer, F. A. Sawyer, Shepard, Simmons, Skinner, Spruill, Stallings, Stephens, Sumner, G. A. Thompson, L. Thompson, Tillet, Townsend, Tunstall, Ward, Welch, Willey, A. W. Wooten, C. Wooten.—73.

Those who voted in the negative, were Messrs. Abernathy, Allison, Barringer, Brower, Burgin, Cansler, Clayton, Courts, Cunningham, Cuthbertson, Davidson, Dewes, Dockery, Doherty, Eccles, Edmondston, Emmitt, Enloe, Faddis, Glass, Guthrie, Gwynn, Hart, Hill, Horton, Irion, Irvine, Ledford, Locke, Loudermilk, Lyon, Mangum, Marsteller, Mask;

Monk, Montgomery, McLaurin, McNeill, McQueen, Park, Peebles, Pearson, Poindexter, Polk, Saintclair, Settle, Sherwood, Sloan, Smith, Thomas, Ury, Waddell, Wadsworth, Watson, Weaver, Whitaker, Wiseman, Witcher, Word, Ziglar,—60.

On motion of Mr. Bragg, the said bill was then made the order of the day for to-morrow.

Whereupon the House adjourned until to-morrow morning, 10 o'clock

FRIDAY, DECEMBER 14, 1832.

Mr. Wiseman, presented a bill to exempt from execution a certain portion of the farming utensils and household and kitchen furniture of the citizens of this State, which was read the first time and passed, and on motion of Mr. G. A. Thompson, referred to the committee on the judiciary.

Mr. Townsend, from the committee on propositions and grievances, to whom was referred the petition of the Heirs of Christian Eaker, reported unfavorably thereon, and prayed to be discharged from the further consideration thereof. The report was concurred in.

Mr. Townsend, from the same committee to whom was referred the petition of sundry citizens of Montgomery county, reported a bill granting to Ralph Freeman the privilege of preaching or exhorting. The said bill was read the first time and passed.

Mr. Townsend, from the same committee to whom was referred the bill to provide for the final settlement of executors and administrators, also the annual settlement of guardians in the county of Anson, reported the same without amendment.

Mr. Dockery, from the committee on private bills to whom was referred the following, bills viz: A bill to authorize Jeremiah Ingram to erect a gate across a public road; also a bill to authorize Saxton Lynch of Rutherford county, to erect certain gates: and the bill authorizing Samuel Latham of the county of Pitt, to erect a gate across a public road, reported unfavorably thereon.

Mr. Bragg, from the committee on claims to whom was referred the petition of Joseph Welch of Macon county, reported a resolution in favor of Joseph Welch which was read the first time and passed.

Mr. Bragg, from the same committee to whom was referred the resolution in favor of Mary Edwards and others, reported favorable thereon.

Mr. G. A. Thompson, from the committee on claims to whom was referred the petition of certain militia of Onslow county, reported a resolution in favor of said militia; which was read the first time and passed.

Mr. Gee, withdrew the name of William B. Lockhart from the nomination for counsellors of State, and on his motion the Senate was so informed by message.

Mr. Pierse, presented a bill providing for the encouragement of learning; and Mr. McQueen a bill to establish Haywood Academy, in the county of Chatham, and to incorporate the trustees thereof. These bills were read the first time and passed, and the first named bill on motion of Mr. Pierse, referred to the committee on education.

A message from the Senate, disagreeing to the recommendation made by this House, of certain individuals, in the county of Franklin, as justices of the peace, and proposing that their names be stricken out. The proposition was disagreed to, and the recommendation as made in this House, insisted on.

A message from the Senate, disagreeing to the recommendation of Thomas B. Jarvis, as a justice of the peace for the county of Currituck, and proposing that his name be stricken from the list; which proposition was agreed to.

A message from the Senate, informing that they had passed the following engrossed bills, viz. A bill to repeal in part an act of the General Assembly, passed in the year 1820, entitled, an act to repeal an act of the General Assembly, passed in the year 1820, entitled, an act directing the county court to pay fees to certain officers therein named in certain cases, so far as relates to the counties mentioned in this act; and a bill further to improve the police of the town of Washington, and asking the concurrence of this House. The said bills were read the first time and passed.

The resignations of A. Parker, as lieutenant-colonel of the 47th regiment, and of Norman McLeod, as major of the 41st regiment of North Carolina militia, and of Joseph I. Williams, of Franklin, and Aaron Walker, of Orange county, justices of the peace, were presented, read and accepted.

The engrossed bill to abolish the office of county trustee, in the counties of Buncombe, Nash, Hyde, Guilford, Rowan, Onslow, Columbus and Beaufort, was, on Mr. G. A. Thompson's motion, taken up and read the second time. Mr. S. T. Sawyer moved that the said bill be postponed indefinitely. This question was determined in the affirmative. Yeas 72. Nays 55. The yeas and nays demanded by Mr. Wiseman.

Those who voted in the affirmative were, Messrs. Abernathy, Adams, Baker, Barringer, Blowe, Bragg, Cansler, Craige, Cromwell, Cunningham, Daniel, Davidson, Dockery, Doherty, Eccles, Enloe, Foscue, Glass, Graves, Guthrie, Hammend, Hardison, Harper, Hart, Hartley, Hill, Hinton, Hurst, J. B. Jones, Jordan, Judkins, Lancaster, Little, Long, Loudermilk, Lyon, Mask, Montgomery, Mullen, Murray, McCreese, McLeod, McMillan, McNeill, McQueen, Nelson, Norman, Outlaw, Park, Poindexter, Polk, Rand, Roberts, S. T. Sawyer, F. A. Sawyer, Simmons, Skinner, Spruill, Stallings, Sumner, Thomas, L. Thompson, Tillett, Townsend, Tunstall, Ury, Waddell, Welch, Whitaker, A. W. Wooten, C. Wooten, Word.—72.

Those who voted in the negative were, Messrs. Allison, Arrington, Boddie, Bonner, Brower, Beeman, Burgin, Carter, Clark, Clayton, Cloman, Courts, Cuthbertson, Dewes, Emmitt, Gary, Gee, Gillespie, Grady, Gwynn, Harrison, Horton, Irion, Irvine, Jarvis, R. Jones, Lee, Ledford, Locke, Mangum, Marsteller, Mautsby, Monk, McLaurin, O'Brien, Pearson, Peeples, Pierse, Relfe, Ridley, Saintclair, Settle, Sherwood, Sloan, Smith, Stephens, G. A. Thompson, Wadsworth, Ward, Watson, Weaver, Willey, Wiseman, Witcher, Ziglar.—55.

The bill making an appropriation and appointing commissioners for the rebuilding of the Capitol, in the city of Raleigh, was read the third time, passed and ordered to be engrossed.

Mr. S. T. Sawyer called up the bill to repeal an act, passed in the year 1830, entitled, an act to repeal part of the second section of an act, passed in the year 1806, chapter 708, entitled, an act to revise the militia laws of this State. On motion of Mr. Stallings, the said bill was postponed indefinitely. Yeas 70. Nays 59. The yeas and nays demanded by Mr. Simmons.

Those who voted in the affirmative, were Messrs. Abernathy, Adams, Allison, Arrington, Boddie, Bragg, Brower, Beeman, Cansler, Cloman, Courts, Craige, Cromwell, Doherty, Emmitt, Enloe, Faddis, Foscue, Graves, Guthrie, Gwynn, Hammond, Harper, Harrison, Hartley, Horton, Hurst, Irion, Jarvis, J. B. Jones, R. Jones, Judkins, Lee, Ledford, Little, Locke, Long, Mangum, Marsteller, Monk, Montgomery, Murray, McCreese, McQueen, Nelson, Peeples, Pearson, Poindexter, Polk, Potts, Rand, Roberts, Settle, Sherwood, Simmons, Sloan, Smith, Stallings, Stephens, Sumner, Tillett, Tunstall, Ury, Wadsworth, Welch, Willey, Wiseman, Witcher, A. W. Wooten, Ziglar.—70.

Those who voted in the negative, were, Messrs. Baker, Barringer, Blowe, Bonner, Borden, Burgin, Burns, Carter, Clark, Clayton, Cunningham, Cuthbertson, Daniel, Davidson, Dewes, Dockery, Eccles, Edmondston, Gary, Gee, Gla s, Hardison, Hartt, Hill, Irvine, Jordan, Lancaster, Loudermilk, Lyon, Mask, Mullen, McLaurin, McLeod, McMillan, McNeill, Norman, Outlaw, O'Brien, Park, Pierse, Relfe, Ridley, Saintclair, S. T. Sawyer, F. A. Sawyer, Shepard, Skinner, Spruill, Thomas, G. A. Thompson, L. Thompson, Townsend, Waddell, Ward, Watson, Weaver, Whitaker, C. Wooten, Word.—59.

The engrossed bill to divorce John Roberts and his wife Agnes, was read the second time, and, on motion of Mr. Outlaw, indefinitely postponed.

The bill to alter the line separating the north and south regiments of militia, in the county of Surry; and the bill to exempt the militia, residing on Knott's Island, from attending general, regimental or battalion musters, at the Court House of Currituck, were read the second time and passed.

The bill to repeal in part an act, passed in the year 1806, entitled, an act to revise the militia laws of this State, relative to the infantry, was read the second time, and, on Mr L. Thompson's motion, is definitely postponed. Yeas 82. Nays 34. The yeas and nays called for by Mr. Allison.

Those who voted in the affirmative were, Messrs. Baker, Barringer, Blowe, Boddie, Bonner, Borden, Bragg, Burgin, Burns, Craige, Cunningham, Daniel, Davidson, Dockery, Eccles, Edmonston, Enloe, Faddis, Foscue, Gary, Gee, Gillespie, Glass, Grady, Graves, Guthrie, Gwynn, Hardison, Harper, Hart, Hartley, Hill, Irvine, J. B. Jones, Jordan, Judkins, Lancaster, Lee, Locke, Long, Loudermilk, Lyon, Mask, Maulsby, Monk, Montgomery, McCleese, McLaurin, McLeod, McMillan, McNeill, McQueen, Norman, Outlaw, O'Brien, Parke, Poindexter, Polk, Potts, Ridley, Roberts, S. T. Sawyer, F. A. Sawyer, Shepard, Simmons, Skinner, Sloan, Smith, Stallings, Sumner, Thomas, G. A. Thompson, L. Thompson, Tillett, Tunstall, Ury, Waddell, Welch, Whitaker, Willey, A. W. Wooten, C. Wooten.—82.

Those who voted in the negative were, Messrs. Abernathy, Allison, Arrington, Brower, Cansler, Carter, Clayton, Cloman, Cuthbertson, Dewes, Doberty, Emmet, Hammond, Harfison, Horton, R. Jones, Ledford, Little, Mangum, Mullen, Nelson, Peeples, Relfe, Saintclair, Settle, Stephens, Townsend, Wadsworth, Watson, Weaver, Wiseman, Witcher, Word, Ziglar.—34.

On his own motion, Mr. Pierse was excused from voting. Thereupon the House adjourned until to-morrow morning, 10 o'clock.

SATURDAY, DECEMBER 15, 1832.

Mr. Mangum, from the committee on internal improvements, to whom was referred the bill supplementary to an act, entitled, an act to amend, with sundry alterations and additions, an act, entitled, an act to incorporate the Petersburg rail-road company, passed by the legislature of Virginia, on the 10th day of February, 1830, reported the same with an amendment.

On motion, leave of absence was granted to Mr. Hurst, from the service of this House for this day.

Mr. Craige presented a bill, founded on a petition from sundry citizens of Fayetteville and Salisbury, to emancipate Joseph Hostler, which was read the first time and passed, and, on Mr. Craige's motion, referred to the committee on propositions and grievances.

Mr. Shepard presented the petition of the Philanthropic Society, of the University of North Carolina, praying an act of incorporation, which was, on Mr. Shepard's motion, referred to the committee on propositions and grievances.

Mr. Barringer presented a petition from the officers of the Cabarrus regiment of militia, praying that the militia laws of this State be revised and published, which was, on Mr. Barringer's motion, referred to the committee on military affairs.

Mr. McNeill presented the petition of sundry citizens of the county of Cumberland and town of Fayetteville, praying that an act be passed to prohibit cattle and other stock from running at large in said town, which was, on Mr. McNeill's motion, referred to the committee on propositions and grievances.

Mr. Burns presented a petition from sundry citizens of the county of Carteret, praying the passing of a law regulating the ranging of stock on the lands called "The Banks," in said county; which was referred, on Mr. Burns' motion, to the committee on propositions and grievances.

Mr. McLeod moved that a message be sent to the Senate, proposing that the Proclamation of Andrew Jackson, President of the United States, in relation to the late South Carolina Convention, be printed, ten copies for each member of the General Assembly. Mr. Pierse moved to amend the proposition, by adding the proceedings of the South Carolina Convention, recently transmitted to this House by His Excellency the Governor; Mr. L. Thompson moved to add also the 4th of July Oration of John Quincy Adams; and Mr. Outlaw moved to add the letter of John C. Calhoun, recently addressed to Governor Hamilton, of South Carolina. These amendments, as well as the original proposition of Mr. McLeod, were all rejected by the House.

Mr. Dockery, from the committee on private bills, to whom was referred the engrossed bill to establish the boundary line between the counties of Washington and Beaufort, reported favorably thereon.

Mr. Dockery, from the same committee, reported unfavorably on the bill to allow commissions to constables in Hertford county.

On motion of Mr. Daniel:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of repealing so much of an act to regulate retailers of spirituous liquors, passed at the last session of the General Assembly, as authorises the imprisonment of persons offending against said act; and that they report by bill or otherwise.

On motion of Mr G. A. Thompson, ordered that a message be sent to the Senate proposing to ballot immediately for counsellors of State. A message from the Senate agreeing to this proposition, adding to the nomination, the names of Joseph B. Skinner and John Arrington, and informing that Messrs. Vanhook and Bullock compose their balloting committee; ordered that Messrs. Montgomery and Jenkins form this committee, on the part of the Commons,

A message from the Senate informing that they had passed the following engrossed bill and resolutions, viz: A bill to alter the name of Eliza Umphrey, and to legitimate her: A resolution concerning the fund belonging to the sisters of the late James N. Forsyth; and a resolution directing the Speakers of the two Houses, to correspond with Judge Hall, as to his ability to attend the next session of the supreme court, and asking the concurrence of this House. The said bill and resolution first named were read the first time and passed, and the last named resolution, was on Mr. O'Brien's motion indefinitely postponed.

Mr. C. Wooten, presented a bill to authorize, certain persons hereafter named, to raise by way of Lottery, \$2000 for building a bridge across Neuse River, at John Carter's landing in the county of Lenoir and for other purposes: and Mr. McCleese a bill to prevent the issuing of writs of *capias ad satisfaciendum* on judgment obtained before justices of the peace in the first instance. These bills were read the first time and passed, and the last named bill, on motion of Mr. Mangum, referred to the committee on the judiciary.

The Speaker laid before the House, the following communication from his excellency the Governor:

To the Honorable Louis D. Henry, Speaker of the House of Commons:

Sir,—I have received from the Hon: Montfort Stokes, a communication prepared in obedience to a resolution of the House of Commons, adopted during the period that he presided in the Executive department, calling for information with regard to the present condition of that portion of the Cherokee tribe of Indians residing within the limits of this state. The communication is sent herewith in order that it may be submitted to the honorable body over which you preside

I am, sir, very respectfully,

D. L. SWAIN.

Executive Office, December 15, 1832.

On motion of Mr. Polk, ordered that the documents be sent to the Senate with a proposition that they be printed.

The bill to re-mark and renew the dividing line between Richmond and Robeson counties; also, the bill to incorporate the Onslow troopers; and the bill to incorporate the trustees of the Rolesville Academy, in the county of Wake, were read the second time, amended and passed.

The engrossed bill to attach the Long Acre Company of militia, in the county of Beaufort, to the Bath battalion in said county, was read, and, on Mr. Bonnier's motion, laid on the table.

Mr. Courts, moved that the question of indefinite postponement of the bill, to repeal an act passed in the year 1830, entitled an act to repeal part of the second section of an act, passed in the year 1806, Chapter 708, entitled an act to revise the militia laws of this State; be now re-considered. This motion prevailed, and, on motion of Mr. G. A. Thompson, the said bill was laid upon the table.

The bill to authorize the making of a turnpike road in the county of Haywood, and to incorporate a company, for that purpose, was read and on motion of Mr. Edmonston laid on the table.

The engrossed bill to authorise David W. Borden of Carteret county, to erect a gate across the road leading from the cross roads on White Oak river to Borden's Ferry, was read the second and third times, passed, and ordered to be enrolled.

The bill concerning hands working on roads in the county of Burke; the bill for the better regulation of the town of Statesville; the bill to incorporate the Northampton troop of cavalry; the bill for the better regulation of Jamestown in Martin county; the bill for the relief of Britton Jones of Bertie county; the bill to repeal part of an act, passed A. D. 1830, entitled an act to appoint commissioners, to superintend the building of a Court House, in the county of Burke; and the bill to incorporate the La Fayette Hotel Company, in the town of Fayetteville, were severally read the second time and passed.

The resignations of John P. Andrews as Lieut. Col. of the 23d regiment of militia, of John H. Dixon of Greene, of Thomas Hadley of Wayne, and of Charles W. Knight of Edgecombe county, justices of the peace, received from the Senate, were read and accepted.

The resignation of Allen Bowden as Lieut. Col. of the 29th regiment of militia, was presented, read and accepted.

Whereupon the House adjourned until Monday morning 10 o'clock.

MONDAY, DECEMBER 17, 1832.

Received from His Excellency the Governor, by his private Secretary Mr. Hill, the following communication, viz:

To the honorable the General Assembly of the State of North-Carolina.

Gentlemen,—The accompanying letter contains the resignation of the Hon. John Hall, one of the Judges of the Supreme Court of this State; which reached me by yesterday's mail.

I am, very respectfully,

D. L. SWAIN.

Executive Office, 17th Dec. 1832.

The resignation of the Hon. John Hall, as a Judge of the Supreme Court of this State, was thereupon read and accepted.

Mr. Montgomery, from the committee appointed to conduct the balloting for counsellors of State, reported that Meshack Franklin, Alfred Jones, Owen Holmes, Nathan B. Whitfield, George W. Jeffreys, Joseph B. Skinner, had each received a majority of the whole number of votes and were duly elected.

and that no other person in nomination had received such majority. The report was concurred in,

A message from the Senate, agreeing to the proposition of this House, to print the report of the President and Directors of the Clubfoot and Harlows Creek Canal Company.

A message from the Senate, proposing that another balloting be had immediately for one counsellor of State. This proposition was agreed to and Messrs. Lancaster and Stephens appointed a balloting committee. A message from the Senate, informing that Messrs. Bell and Rhodes form said committee on their part.

Mr. Guthrie presented a resolution in favor of Horace D. Bridges, sheriff of Chatham county, which was read the first time and passed, and, on Mr. Guthrie's motion, referred to the committee on claims.

A message from the Senate, informing that they had passed the following engrossed bills and resolution, viz. A bill to regulate the courts of pleas and quarter sessions, of the county of Washington; a bill appointing lay days on Rocky river, adjoining Anson and Montgomery counties; and a resolution in favor of Mastin D. Crawford, and asking the concurrence of this House. The said bills and resolution were read the first time and passed.

Mr. Pearson, from the joint select committee on Conventions, to whom had been referred sundry petitions and resolutions, made a detailed report upon the subject, accompanied by a bill to provide for taking the votes of the people, for or against certain amendments to the constitution. The said bill was read the first time and passed, and, on Mr. Mangum's motion, ordered that it be printed, together with the report and accompanying documents.

Mr. Lancaster, from the committee appointed to conduct the balloting for counsellor of State, reported that no one had received a majority of the whole number of votes. The report was concurred in. The name of Clement Marshall, of Anson county, was, by Mr. Parke, added to the nomination; and, on motion of Mr. Ridley, ordered, that a message be sent to the Senate, proposing that another balloting be had immediately.

Mr. Arrington, from the committee on military affairs, reported unfavorably on the bill to amend the militia law respecting cavalry, and prayed to be discharged from the further consideration thereof.

Mr. Dewes presented the petition of James Graham, of Rutherford county, claiming compensation for his professional services, in defending a suit brought against the board of internal improvements, by one Green B. Palmer; which was, on Mr. Dewes' motion, referred to the committee on claims.

Mr. Bonner presented the petition of sundry citizens of the county of Beaufort, praying that Wm. Brown, of said county, may be restored to credit. Said petition was, on Mr. Bonner's motion, referred to the committee on propositions and grievances.

On motion of Mr. Arrington:

Resolved, That a message be sent to the Senate, proposing that a joint select committee on the part of each House, be appointed to provide for the distribution of the Acts of Congress at present in the Executive office, and referred to by the Governor in his annual message, and that they report by bill or otherwise.

Mr. Parke presented a bill making appropriations for public roads throughout the State, which was read the first time and passed and, on motion of Mr. J. B. Jones, referred to the committee on internal improvements.

A message from the Senate, agreeing to ballot immediately for a counsellor of State, informing that John Arrington is withdrawn from the nomination.

and that Messrs. Lamb and Houston form their balloting committee. Ordered, that Messrs. Sherwood and Enloe form said committee on behalf of the Commons.

A message from the Senate, proposing that the two Houses ballot on to-morrow for colonel and lieutenant-colonel of cavalry in the 17th brigade, and nominating Joseph J. Maclin for the former, and Joseph R. Drake for the latter appointment; also proposing to ballot on to-morrow for colonel of cavalry in the ninth brigade of North Carolina militia, and nominating William Witherspoon for the appointment. These propositions were concurred in.

Mr Enloe, from the balloting committee for a counsellor of State, reported that no person had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

The bill to prevent the felling of timber in, or otherwise obstructing the channel of either branch of the north-east branch of New river, in Onslow county, was read the second and third times, amended and passed and ordered to be engrossed.

Mr. Mangum presented a bill for altering the time of electing the county trustee for Orange county. Mr. McLaurin a bill fixing the time of granting orders for altering or turning roads and laying off new ones, in the county of Richmond; and Mr. Borden a bill to amend an act, passed in the year 1824, entitled, an act passed in the year 1819, entitled, an act to appoint a board of branch pilots, to examine all persons who now have, or may hereafter wish to obtain, a branch to pilot on Ocracock Bar and the Swashes. These bills were read the first time and passed.

Mr. Murray presented a bill making the owners of dogs liable for the value of sheep that they kill or otherwise injure; which was read the first time and passed, and, on motion of Mr. A. W. Wooten, referred to the committee on agriculture.

The engrossed bill to regulate the collection of State Witness Tickets, so far as respects the county of Guilford. The bill to provide for the more prompt administration of justice, in the counties of Burke, Buncombe, Lincoln and Rutherford; and the engrossed bill more effectually to provide for the payment of jurors, in the county of Anson, were read the second time and passed.

The bill concerning charities; and the resolution in favor of Abdell Darnell; and the resolution in favor of the executor of Walter Davenport, of Lenoir county; and the resolution in favor of John Robbins, of Randolph county, were read the third time, passed and ordered to be engrossed.

The bill to emancipate Horace, a slave, was read the second time. Mr. Townsend moved that said bill be postponed indefinitely. The question thereon was decided in the negative. Yeas 32. Nays 88. The yeas and nays called for by Mr. Norman.

Those who voted in the affirmative were, Messrs. Arrington, Boddie, Borden, Foseue, Gary, Gillespie, Grady, Harper, Harrison, J. B. Jones, Little, Marseller, Mullen, McCleese, McLeod, Nelson, Norman, Pierse, Potts, Relfe, S. T. Sawyer, Shepard, Simmons, Sloan, Tillett, Townsend, Ward, Welch, Willey, A. W. Wooten, C. Wooten, Ziglar.—32.

Those who voted in the negative were, Messrs. Abernathy, Allison, Baker, Barringer, Blowe, Bonner, Bragg, Brower, Burgin, Burns, Canaler, Carter, Clark, Clayton, Cloman, Courts, Craige, Cunningham, Cuthbertson, Daniel, Davidson, Dewes, Dockery, Doherty, Eccles, Edmonston, Emmit, Enloe, Gee, Glass, Graves, Guthrie, Gwynn, Hammond, Hardison, Hart, Hartley, Hinton, Horton, Irion, Irvine, Jarvis, R. Jones, Jordan, Judkins, Lancaster, Lee, Ledford, Locke, Loudermilk, Mangum, Mask, Maulsby, Monk, Montgo-

berry, Murray, McLaurin, McMillan, McNeill, McQueen, Outlaw, O'Brien, Parke, Peoples, Pearson, Poindexter, Polk, Rand, Ridley, Roberts, Saintclair, Settle, Skinner, Smith, Spruill, Stephens, Sumner, Thomas, G. A. Thompson, L. Thompson, Tunstall, Ury, Wadsworth, Watson, Weaver, Wiseman, Witcher, Word.—88.

The bill was amended, on motion by Mr. Mangum, and passed its second reading.

The bill to prevent the felling of timber in, or otherwise obstructing the run of Bear Creek and its branches, in the counties of Lenoir and Wayne, was read the second time, amended and passed.

A message from the Senate, proposing another balloting immediately for a counsellor of State, and informing that the name of John W. Carson is withdrawn from the nomination; the proposition was agreed to. The name of Josiah O. Watson withdrawn from the nomination, and Messrs. Loudermill and Willey appointed to conduct the balloting. A message from the Senate, informing that Messrs. Hawkins and Morris form their balloting committee. The House then adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 18, 1832.

The Speaker laid before the House a communication from Joseph Gales, Esquire, in relation to the collection of the old Laws and Journals, and covering a letter from Isaac T. Avery, Esquire, of Burke county, wherein Mr. Avery tenders as a donation to the State, several rare and valuable works. These letters were read to the House, and, on motion of Mr. S. T. Sawyer, referred to the committee on the library.

Messrs. Weaver and Marsteller were appointed a committee to conduct the balloting for colonel and lieutenant-colonel of cavalry, attached to the 17th brigade of North Carolina militia. A message from the Senate, informing that Messrs. Gavin and Moye, of Pitt, form said committee on their part.

A message from the Senate, informing that they had postponed indefinitely the engrossed resolution in favor of Zachariah Chandler, of Buncombe county.

A message from the Senate, informing that they had passed the engrossed bill amending the patrol laws, so far as relates to the counties of Camden and Pasquotank, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in.

A message from the Senate, informing that they had passed the following engrossed bills, viz. A bill appointing commissioners to build a bridge across South Yadkin river, in Rowan county; a bill to appoint additional trustees of Rush Academy, in the county of Hyde; and a bill to repeal the provisions of an act, passed at the last session of the General Assembly, chapter 164, entitled, an act concerning those persons who are interested in the beach and marshy lands, lying in the county of Currituck. These bills were read the first time and passed.

Mr. Waddell, from the committee on finance, to whom was referred a bill fixing a uniform mode of assessment of the real estate, with the improvements thereon, reported the same with an amendment.

Mr. Townsend, from the committee on propositions and grievances, to whom was referred a bill to emancipate Joseph Hostler, reported unfavorably thereon.

Mr. Barringer, from the committee on claims, to whom was referred the petition of Absalom Simonton, reported a resolution in favor of the petitioner, which was read and adopted and ordered to be engrossed.

Mr. Craige presented a resolution in favor of Fielding Slater, sheriff of Rowan county, which was read the first time and passed, and on Mr. Craige's motion, referred to the committee on claims.

Mr. Outlaw, on behalf of the minority of the joint select committee on convention, submitted a counter report, which was read, and, on motion of Mr. Dewes, ordered to be printed.

Mr. Sumner, from the committee on propositions and grievances, to whom was referred the petition of sundry citizens of Carteret county, relating to the running at large of stock on the "Banks lands," reported that the committee are not advised of the necessity of legislative action on the subject, and prayed to be discharged from the further consideration thereof.

Mr. Loudermilk presented a bill concerning the working of Public roads, in the county of Iredell, which was read the first time and passed.

The resignations of Ruel Anderson, as lieutenant-colonel and of Louis C. Little, as major of the Pitt county regiment of militia, were read and accepted.

Mr. Burgin called up the bill, to erect out of a portion of the counties of Burke and Buncombe, a separate and distinct county, by the name of Yancey; the said bill was read the second time and passed. Yeas 67. Nays 61. The yeas and nays called for by Mr. Spruill.

Those who voted in the affirmative, were Messrs. Abernathy, Allison, Barringer, Borden, Brower, Burgin, Cansler, Clayton, Courts, Craige, Cunningham, Cuthbertson, Davidson, Dewes, Dockery, Doherty, Eccles, Edmondston, Emmitt, Enloe, Faddis, Gillespie, Glass, Grady, Graves, Guttrie, Gwynn, Hartt, Hill, Horton, Irion, Irvine, R. Jones, Laspeyre, Ledford, Locke, Loudermilk, Mangum, Marsteller, Mask, Monk, Montgomery, McLaurin, McMillar, McNeill, McQueen, Park, Peeples, Pearson, Poindexter, Polk, Saintclair, Settle, Sherwood, Sloan, Smith, Sumner, Thomas, Ury, Wadsworth, Watson, Weaver, Whitaker, Wiseman, Wucher, Word, Ziglar,—67.

Those who voted in the negative, were, Messrs. Adams, Arrington, Baker, Blowe, Boddie, Bonner, Bragg, Beeman, Carter, Clark, Cloman, Daniel, Foscue, Gary, Gee, Hammond, Hardison, Harper, Harrison, Hartley, Hinton, Jarvis, J. B. Jones, Jordan, Judkins, Lancaster, Lee, Little, Long, Maulsby, Mullen, Murray, McCleese, McLeod, Nelson, Norman, Outlaw, O'Brien, Pierce, Potts, Rand, Relfe, Ridley, Roberts, S. T. Sawyer, Shepard, Simmons, Skinner, Spruill, Stephens, G. A. Thompson, L. Thompson, Tillett, Townsend, Tunstall, Waddell, Ward, Welch, Willey, A. W. Wooten, C. Wooten—61.

Mr. Marsteller, from the committee appointed to conduct the balloting for cavalry officers, attached to the 17th brigade, reported that Joseph J. Machin was duly elected colonel and Joseph A. Drake, lieutenant-colonel. The report was concurred in.

Messrs. Witcher and Welch were appointed a committee to conduct the balloting for colonel of cavalry, attached to the ninth brigade, and the name of David E. Moore was, on motion of Mr. Loudermilk, added to the nomination.

Mr. Marsteller, from the committee on military affairs, to whom were referred sundry resolutions, reported a resolution relating to certain military equipments, which was read the first time and passed. A message from the Senate, informing that Messrs. Dishough and Hussey form their balloting committee, for colonel of cavalry of the ninth brigade.

On motion of Mr. Spruill.

Resolved, That the committee on internal improvements be, and they are hereby instructed to inquire into the expediency of draining the low lands belonging to the state in the counties of Tyrell, Washington and Hyde; and further to inquire what would be an equitable contribution on the part of individuals, for the privilege of draining their lands into any canal or canals which may be cut by the state; and that they report by bill or otherwise.

Mr. Barringer, presented a bill to incorporate the North Carolina Historical Society, which was read the first time and passed.

The resignation of S. J. Baker as a justice of the peace, for the county of Martin, was presented, read and accepted.

Mr. Witcher, from the balloting committee for a Colonel of cavalry of the 9th brigade, reported that William P. Witherspoon had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

The bill to create one additional wreck district, in the county of Hyde and for other purposes, was read the second time, amended and passed.

The bill to alter the time of holding one of the terms of the courts of pleas and quarter sessions for the county of Buncombe; the bill to amend an act, passed in the year 1820, entitled an act to appoint commissioners for the town of Kinston in the county of Lenoir; the bill to establish Good Spring Grammar School, in the county of Stokes, and to incorporate the trustees thereof; the bill to appoint commissioners for the town of Haywood, in the county of Chatham, and for the better regulation of the same; the bill to amend an act, passed in the year 1829, entitled an act to provide for the compensation of the jurors, in the counties of Beaufort, Onslow, Hyde, Anson and Duplin; the bill to incorporate an Academy on the lands of Martin R. Garrett, in the county of Nash, by the name and title of Stony Hill Academy; the bill to amend an act, passed in the year 1821, entitled an act to prevent fire hunting of fowl in Carteret county; the bill to incorporate Silver Run Academy in the county of Cumberland; the bill to amend an act, passed in the year 1827, entitled an act to keep open Tuckaseegy and Tennessee rivers, in Haywood county; and the bill to allow further time to open books, for the purpose of receiving subscriptions for stock, in the Lake Drummond and Orapeake Canal Company, were severally read the second time and passed.

The House then adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, DECEMBER 19, 1832.

Mr. Bragg, from the committee on claims, to whom was referred the resolutions in favor of Horace D. Bridges, sheriff of Chatham, reported favorably thereon.

Mr. Bragg, from the same committee to whom was referred the petition of James Graham, reported a resolution in favor of the petitioner which was read the first time and passed.

A message from the Senate, concurring in the proposition of this House, to print the late communication of the Governor in relation to the present condition of the Cherokee tribe of Indians together with the documents accompanying the same.

A message from the Senate informing that they had passed the following engrossed bills, viz: a bill more effectually to prevent litigation and to avoid suits at law; and a bill to give longer time for paying in entry money, and asking the concurrence of this House. The said bills were read the first time and passed, and the first named bill, was, on Mr. Pearson's motion, referred to the committee on the judiciary.

A message from the Senate informing that they had passed the engrossed bill, amending the several acts of Assembly incorporating the Roanoke and Cape Fear Navigation Companies, and prescribing the mode of enforcing the collection of tolls with sundry amendments, and asking the concurrence of the House therein. The said amendments, were read and concurred in.

Mr. Mangum, from the committee on internal improvements, reported un-

favorably on the bill referred to them, entitled a bill making appropriations for public roads throughout the State.

Mr. Doherty presented the petition of Isaac Alexander, clerk of Mecklenburg county court, praying to be released from a judgment obtained against him by the state of the late term of Wake superior court. The said petition was on Mr. Doherty's motion, referred to the committee on propositions and grievances.

Mr. Park presented the following resolution.

Resolved, That the committee on education be instructed to inquire into the expediency of establishing a working school in this state, upon the principle of the Fellenburg school at Hofwyl, Germany; and that they have leave to report by bill or otherwise.

The said resolution was read and adopted.

The resignation of James K. Hill, as Colonel Commandant of the 31st regiment of militia, was presented, read and accepted.

The bill to amend an act, passed in the year 1824, entitled an act, passed in the year 1819, entitled an act to appoint a board of Branch Pilots to examine all persons who now have or may hereafter wish to obtain, a branch to pilot on Ocracock Bar and the Swashes, was read the second time; Mr. Murray, moved that the said bill, be referred to the committee on propositions and grievances, which was not agreed to; Mr. Jarvis moved that it be indefinitely postponed: this question was determined in the negative; Mr. Clark, then moved that it be referred to a select committee, composed of the Representatives from the counties of Hyde, Carteret and Beaufort, which was also negatived, and the said bill thereupon, passed its second reading.

Mr. Daniel, from the select committee, to whom was referred sundry resolutions, relating to the tariff and nullification reported the same with amendments, and prayed that for the present they lie on the table. The said resolutions and amendments, were laid according to the table.

Mr. Outlaw, from the committee on propositions and grievances, to whom was referred the petition of a number of citizens of the county of Beaufort, in favor of William Brown, reported unfavorably thereon, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Townsend, from the same committee, reported unfavorably on the petition of the Philanthropic Society of the University, and asked to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Arrington, presented a bill for the better organization of the militia of this State; Mr. Eccles, a bill to incorporate the Donaldson Academy, and Manuel Labor School in the town of Fayetteville; and Mr. Shepard, a bill to establish the Merchants' Bank in the town of Newbern. These bills were read the first time and passed; and the last named bill, was on motion of Mr. Waddell ordered to be printed.

The bill to erect out of a portion of the counties of Burke and Buncombe, a separate and distinct county by the name of Yancey, was on motion of Mr. Clayton, made the order of the day for Friday next.

The bill to repeal in part an act of the General Assembly, passed in the year 1787, Chapter 278, entitled an act for making process in equity effectual, against persons who abscond, and who reside without the limits of the State, and for better regulating the proceedings in court of equity and for other purposes, was read the second time, and on Mr. Dockery's motion, indefinitely postponed. Yeas 90,—Nays 37. The yeas and nays demanded by M. Craige.

Those who voted in the affirmative were, Messrs. Abernathy, Adams, Baker, Barrin-

ger, Blowe, Boddie, Bonner, Bowden, Bragg, Brower, Beeman, Burgin, Burns, Canster, Carter, Clark, Clayton, Cloman, Courts, Cromwell, Cunningham, Daniel, Davidson, Dockery, Doherty, Eccles, Edmondston, Emmitt, Enloe, Gary, Gee, Gillespie, Glass, Graves, Gwynn, Hardison, Harper, Harrison, Hart, Hill, Hinton, Horton, Irvine, Jordan, Judkins, Lancaster, Ledford, Little, Locke, Loudermilk, Marsteller, Mask, Maultsby, Montgomery, Murray, McLaurin, McLeod, McMillan, McNeill, McQueen, Nelson, Norman, Outlaw, Park, Pearson, Peeples, Poindexter, Polk, Potts, Rand, Roberts, Saintclair, Sherwood, Skinner, Sloan, Smith, Stephens, Thomas, L. Thompson, Tillet, Tunstall, Ury, Waddell, Watson, Weaver, Whitaker, Witcher, A. W. Wooten, C. Wooten, Ziglar.—90.

Those who voted in the negative were, Messrs. Allison, Arrington, Craige, Cuthbertson, Faddis, Foseue, Grady, Guthrie, Hammend, Hartley, Irion, Jarvis, J. B. Jones, R. Jones, Lee, Mangum, Monk, Mullen, McCleese, O'Brien, Pierce, Relfe, Ridley, S. T. Sawyer, Settle, Shepard, Simmons, Stallings, Sumner, G. A. Thompson, Townsend, Wadsworth, Ward, Welch, Willey, Wiseman, Word.—37.

On motion of Mr. Bragg, ordered that a message be sent to the Senate, proposing that the two Houses ballot on Wednesday next, for a judge of the supreme court to supply the vacancy occurring by the resignation of John Hall; Mr. Gee, nominated for this office Joseph J. Daniel of Halifax, and Mr. Saintclair nominated Henry Seawell of Wake.

A message from the Senate, informing that Mr. Brittain has been added to the joint select committee on military affairs.

A message from the Senate concurring in the proposition of this House that a joint select committee of three, on the part of each House, be appointed to provide for the distribution of the acts of Congress, at present in the executive office, and informing that Messrs. Matthews, Collins and Moore, form said committee on the part of the Senate. Messrs. Hart, Roberts and Wiseman, were appointed to compose said committee on behalf of the Commons.

A message from the Senate, proposing to ballot on Friday next, for a judge of the supreme court and adding to the nominations heretofore made, the name of John D. Toomer of Fayetteville. On motion of Mr. Sumner, the said proposition was laid on the table.

On motion of Mr. Ridley, ordered that a message be sent to the Senate, proposing that a balloting be had immediately for colonel of cavalry of the 5th brigade, and informing that William H. Roberts, Matthew Calvert and Rice B. Pierce, are in nomination for the appointment.

Mr. Bragg presented a resolution, to purchase a map of the State, for the Public Treasurer; Mr. Davidson, a bill to amend the laws relative to the county courts of Iredell; and Mr. Barringer, a bill to prevent the unlawful carrying away and removal of slaves from this State. These bills and resolution were read the first time and passed, and the last named bill, was on Mr. Barringer's motion referred to the committee on the judiciary.

The bill to amend the militia law, respecting Cavalry, was read the second time and rejected.

The engrossed bill to amend the second section of an act, passed at the last session of the General Assembly, entitled an act for the better regulation of the conduct of negroes, slaves, and free persons of color, was read, and on motion of Mr. Gee, postponed indefinitely.

Mr. F. A. Sawyer, from the committee of claims, to whom was referred the petition of Thomas Ragland, reported a resolution in favor of the petitioner, which was read the first time and passed, and, on Mr. Guthrie's motion, made the order of the day for Saturday next.

The engrossed bill to authorise the justices of the peace for the county courts of Camden and others, on petition, to appoint commissioners to sett off widows' dowers, to lay out, alter, or straighten roads, was read, amended on Mr. Mangum's motion, and laid on the table.

The bill supplementary to an act, entitled an act to enact with sundry alterations and additions, an act to incorporate the Petersburg Rail Road Company, passed by the Legislature of Virginia on the 10th day of February, 1830, was read the second time, amended and passed.

The engrossed bill to prevent the felling of timber in or otherwise obstructing the channel of Little river, from Bumpers Fork to the county line in Montgomery county. The engrossed bill to provide for the registration of copies of grants for land. The engrossed bill to alter and amend an act passed in the year 1829, entitled, an act for the improvement of the road from the old fort in Burke to Asheville and Buncombe; the resolution in favor of Frederick and Elias Liverman; the resolution instructing the Public Treasurer to settle conflicting claims with the Cape Fear Bank; the resolution in favor of the Public Treasuer; the resolution in favor of Mary Edwards and others; the resolution concerning the fund belonging to the sisters of the late James N. Forsyth; the resolution in favor of Mastin D. Crawford; and the resolution in favor of Joseph Welch, were severally read the second time and passed.

The engrossed resolution in favor of Solomon Simmons, was read the second time and rejected.

The resolution relating to certain military equipments, was, on Mr. S. T. Sawyer's motion, laid on the table.

The House then adjourned until to-morrow morning 10 o'clock.

THURSDAY, DECEMBER 20, 1832.

Mr. Mangum presented the petition of sundry citizens of Orange county, praying that a law may be passed, prohibiting the attendance of slaves on any election or muster; which was on Mr. Mangum's motion referred to the committee on propositions and grievances.

The Speaker laid before the House, the following communication from the Public Treasurer.

To the Honorable the General Assembly of the State of North Carolina:

Gentlemen,—I have the honor herewith to transmit a communication made to me by the state's counsel in the suits against the securities of the late public treasurer. It will be seen that in the opinion of the counsel the state cannot and ought not to effect a recovery. Under such circumstances, it is respectfully asked whether it would not be proper to make some order for a fair and equitable termination of the suits without incurring any further expense.

I have the honor to be your obedient servant,

December 20, 1832.

W. S. MHOON.

On motion of Mr. Outlaw, ordered that the same be sent to the Senate, with a proposition to refer the documents to a joint select committee.

A message from the Senate, proposing that a balloting be had immediately, for a colonel of cavalry of the 5th brigade. This proposition, was, on motion of Mr. Pierse, laid on the table, and on his motion, a message was sent to the Senate, proposing that the balloting be had for colonel, lieutenant colonel and major of cavalry of said brigade, and nominating for lieutenant colonel, Matthew Calvert, and for major, Roderick B. Gary.

A message from the Senate informing that they had passed the engrossed bill to authorise the courts of pleas and quarter sessions of the counties of Hertford and Gates to lay a tax to defray the expenses incident to calling out the militia during the insurrection in Southampton county Virginia, and for other purposes, and asking the concurrence of this House. The said bill was read the first time and passed.

The resignation of Robert Collier as a justice of the peace of the county of

Wayne, and of John Dockery as major of the first regiment of militia of Montgomery county, were presented read and accepted.

Mr. Arrington, from the select committee, to whom was referred that part of the Governor's message relating to the collection of the old Laws and Journals, made a report thereon, accompanied by a resolution in favor of Joseph Gales. The said resolution was read the first time and passed.

On motion of Mr. Parke, ordered that a message be sent to the Senate, proposing that a balloting be held on Monday next for a judge of the superior courts of law and equity, and informing them that the names of Gavin Hogg and Romulus M. Saunders are in nomination for the appointment.

Mr. Gary presented a bill to establish a town on the lands of John D. Amis in the county of Northampton, at the termination of the Petersburg rail road, on the Roanoke river; and Mr. Craige a bill to alter the time of holding the election in the town and borough of Salisbury. These bills were read the first time and passed.

Mr. Mangum presented a bill amendatory of an act, passed in the year 1784, entitled an act to regulate the descent of real estates, to do away entails, to make provision for widows, and to prevent frauds in the execution of last wills and testaments; which was read the first time and passed, and, on Mr. Townsend's motion, referred to the committee on the judiciary.

Mr. Sumner, from the select committee to whom the subject had been referred, reported sundry resolutions relating to a proposed convention of the States of the Union, for a revision of the constitution. These resolutions were read, and, on Mr. Sumner's motion, laid on the table.

The engrossed bill to alter and amend an act, passed in the year 1829, entitled an act for the improvement of the road from the old fort in Burke, to Ashville in Buncombe; the engrossed bill to provide for the registration of copies of grants for lands; the engrossed resolution concerning the fund belonging to the sisters of the late James N. Forsythe; the engrossed resolution in favor of Mastin D. Crawford; the engrossed resolution in favor of the Public Treasurer; and the engrossed resolution instructing the Public Treasurer to settle conflicting claims with the Cape Fear Bank, were severally read the third time, passed, and ordered to be enrolled.

The bill supplementary to an act, entitled an act to enact with sundry alterations and additions an act, entitled an act to incorporate the Petersburg Railroad company, passed by the Legislature of Virginia, on the 10th day of February, 1839; the resolution in favor of Joseph Welch; the resolution in favor of Frederick and Elias Liverman; and the resolution in favor of Mary Edwards and others, were severally read the third time, passed, and ordered to be engrossed.

Mr. Nelson presented a bill concerning the inspection of wood in the town of Newbern; which was read the first time and passed; and, on motion of Mr. Shepard, referred to the committee on private bills.

The bill to amend an act, passed in the year 1824, entitled an act, passed in the year 1819, entitled an act to appoint a board of Branch Pilots to examine all persons who now have, or may hereafter wish to obtain, a branch to pilot on Ocracock Bar and the Swashes, was read the third time, passed, and ordered to be engrossed; yeas 79, nays 33. The yeas and nays demanded by Mr. Clark.

Those who voted in the affirmative were. Messrs. Abernathy, Adams, Arrington, Barringer, Boddie, Borden, Beeman, Burgin, Cansler, Carter, Clayton, Courts, Cuthbertson, Davidson, Edmonston, Emmitt, Enloe, Faddis, Foscue, Gillespie, Glass, Grady, Graves, Hammond, Hardison, Harper, Harrison, Hart, Hartly, Hill, Horton, Hurst, Irion, J. B. Jones, Lancia-

ter, Ledford, Locke, Loudermilk, Mangum, Marsteller, Mask, Monk, Mullen, McCleese, McLeod, McNeill, Nelson, Outlaw, O'Brien, Peeples, Pearson, Poindexter, Relfe, S. T. Sawyer, Settle, Shepard, Sherwood, Simmons, Sloan, Smith, Stallings, Sumner, Thomas, G. A. Thompson, L. Thompson, Tillet, Ury, Waddell, Ward, Weaver, Welch, Whitaker, Willey, Wiseman, Witcher, A. W. Wooten, C. Wooten, Word, Ziglar.—79.

Those who voted in the negative, were, Messrs. Allison, Baker, Blowe, Bonner, Brower, Clark, Cloman, Craige, Cromwell, Cunningham, Dockery, Eccles, Gary, Guthrie, Gwynn, Jarvis, R. Jones, Jordan, Laspeyre, Lee, Little, Maulsby, Montgomery, Murray, McLaurin, McMillan, Norman, Potts, Ridley Stephens, Townsend, Wadsworth, Watson.—33.

The resolution in favor of the militia of Onslow county, was read the second time and passed.

The bill fixing a uniform mode of assessment of the real estate with the improvements thereon, was taken up, an, on motion by Mr. O'Brien, made the order of the day for Saturday next.

The engrossed bill to repeal an act passed in the year 1830, entitled an act to repeal part of the second section of an act, passed in the year 1806, Chapter 708, entitled an act to revise the militia laws of this State, was read the second time, amended on the motion of Mr. Courts, and passed; yeas 64, nays 60. The yeas and nays called for by Mr. R. Jones

Those who voted in the affirmative, were Messrs. Baker, Barringer, Blowe, Borden, Burgin, Burns, Causler, Carter, Clark, Clayton, Courts, Cunningham, Cuthbertson, Daniel, Davidson, Dewes, Dockery, Doherty, Eccles, Edmondston, Enloe, Gary, Gee, Gillespie, Glass, Grady, Hardison, Hart, Hill, Irvine, Jordan, Lancaster, Laspeyre, Lee, Loudermilk, Mask, Mullen, McLaurin, McLeod, McMillan, McNeill, Norman, Outlaw, O'Brien, Park, Pierce, Relfe, Ridley, S. T. Sawyer, F. A. Sawyer, Skinner, Smith, Spruill, Thomas, G. A. Thompson, L. Thompson, Townsend, Tunstall, Waddell, Ward, Watson, Whitaker, C. Wooten, Word.—64.

Those who voted in the negative, were Messrs. Abernathy, Adams, Allison, Arrington, Boddie, Bonner, Bragg, Brower, Beeman, Cloman, Craige, Cromwell, Emmitt, Faddis, Fosene, Graves, Guthrie, Gwynn, Hammond, Harper, Harrison, Hartley, Horton, Irion, Jarvis, J. B. Jones, R. Jones, Judkins, Ledford, Little, Locke, Mangum, Marsteller, Monk, Montgomery, Murray, McCleese, McQueen, Peeples, Pearson, Poindexter, Potts, Rand, Roberts, Settle, Simmons, Sloan, Stallings, Stephens, Sumner, Tillet, Ury, Wadsworth, Welch, Willey, Wiseman, Witcher, A. W. Wooten, Ziglar.—60.

Mr. Burgin moved that the bill to erect out of a portion of the counties of Burke and Buncombe a separate and distinct county, by the name of Yancey, be now taken up. On this question the House was equally divided; the Speaker voted in the affirmative and the said bill was accordingly agreed to be considered, when, on motion, the House adjourned until to-morrow morning, 10 o'clock.

FRIDAY, DECEMBER 21, 1832.

On motion of Mr. Emmit, ordered, that a message be sent to the Senate, proposing to ballot immediately for a lieutenant-colonel and major of cavalry, attached to the ninth brigade, and informing that David E. Moore and Andrew Patterson are nominated for lieutenant-colonel and George Phillips for major.

Mr. Blowe presented the petition of sundry inhabitants of Pitt county, praying that a law be passed regulating the fishing on Tar or Pamlico river; which was referred, on Mr. Blowe's motion, to the committee on propositions and grievances.

On motion of Mr. Graves, ordered, that a message be sent to the Senate, proposing to ballot on Wednesday next for a judge of the supreme court, and informing that the names of Frederick Nash and Robert Strange are added to the nomination.

On motion of Mr. Barringer, ordered, that a message be sent to the Senate,

proposing to ballot immediately for colonel and lieutenant-colonel of cavalry of the twelfth brigade, and nominating for colonel, Nathan G. Blount and Lemuel H. Whitfield and for lieutenant-colonel, John McLeod.

Mr. Poindexter presented a bill, founded on a petition in relation to the independent or volunteer companies attached to the second regiment of Stokes county militia, which was read the first time and passed.

A message from the Senate, agreeing to ballot immediately for lieutenant-colonel and major of cavalry of the ninth brigade, and informing that Messrs. Simmons and Spencer form their balloting committee. Ordered, that Messrs. Foscutt and Emmit form said committee on behalf of the Commons.

The certificate of the county court of Lincoln, in favor of John Starrett, a pensioner, was returned from the Senate, countersigned by the Speaker of that body.

A message from the Senate, informing that they had passed the engrossed bill to appoint an additional place of public sale, in the county of Beaufort, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in. A message from the Senate, informing that they had passed the engrossed bill to divorce Polly Buckner from her husband Edward Buckner, and asking the concurrence of this House. The said bill was read the first time and passed.

On motion of Mr. Lancaster, ordered, that a message be sent to the Senate, proposing to ballot immediately for a major of cavalry of the 17th brigade, and nominating for the appointment Nathaniel R. Tunstall.

The resignation of Thomas J. Latham, as a justice of the peace of the county of Beaufort, was presented, read and accepted.

Mr. Emmit, from the committee appointed to conduct the balloting for cavalry officers of the ninth brigade, reported that David E. Moore was duly elected lieutenant-colonel and George Phillips, major. The report was concurred in.

The bill to erect out of a portion of the counties of Burke and Buncombe, a separate and distinct county, by the name of Yancey, was read the third time, passed, and ordered to be engrossed. Yeas 63. Nays 60. The yeas and nays demanded by Mr. S. T. Sawyer.

Those who voted in the affirmative, were Messrs. Abernathy, Allison, Barringer, Borden, Brower, Burgin, Cansler, Clayton, Courts, Craige, Cunningham, Cuthbertson, Davidson, Dewes, Dockery, Doherty, Eccles, Edmondston, Emmitt, Enloe, Faddis, Gillespie, Glas, Grady, Guthrie, Gwynn, Hartt, Hill, Horton, Irion, Irvine, R. Jones, Laspeyre, Ledford, Loudermilk, Mangum, Marsteller, Mask, Monk, Montgomery, McLaurin, McMillar, McNeill, McQueen, Park, Peeples, Pearson, Poindexter, Polk, Saintclair, Settle, Sloan, Smith, Sumner, Thomas, Wadsworth, Watson, Weaver, Whitaker, Wiseman, Witcher, Word, Ziglar,—63.

Those who voted in the negative, were, Messrs. Adams, Arrington, Baker, Blowe, Bodie, Bonner, Bragg, Beeman, Carter, Clark, Cloman, Cromwell, Daniel, Foscutt, Gary, Gee, Hammond, Hardison, Hartley, Hurst, Jarvis, J. B. Jones, Jordan, Judkins, Lancaster, Lee, Little, Long, Maultsby, Mullen, Murray, McCleese, McLeod, Nelson, Norman, Outlaw, O'Brien, Pierse, Potts, Rand, Relfe, Roberts, S. T. Sawyer, F. A. Sawyer, Shepard, Simmons, Skinner, Spruill, Stallings, Stephens, Tillett, Townsend, Tunstall, Waddell, Welch, Willey, A. W. Wooten, C. Wooten—60.

A message from the Senate, agreeing to ballot immediately for colonel and lieutenant-colonel of cavalry of the 12th brigade, and informing that Messrs. Rhodes and Moye, of Greene, form their balloting committee. Ordered, that Messrs. Cuthbertson and Beeman form said committee on the part of the Commons.

A message from the Senate, agreeing to ballot immediately for a major of

cavalry of the 17th brigade, and informing that Messrs. Tyson and Faison are appointed their superintendents. Ordered, that Messrs. Brower and McCleese superintend said balloting on the part of this House.

A message from the Senate, concurring in the proposition of this House, to ballot on Monday next for a judge of the superior courts of law and equity in this State, and to ballot on Wednesday next for a judge of the supreme court.

Mr. Cuthbertson, from the balloting committee for cavalry officers of the twelfth brigade, reported that Nathan G. Blount was duly elected colonel and John McLeod, lieutenant-colonel. The report was concurred in.

Mr. McCleese, from the committee appointed to conduct the balloting for a major of cavalry of the 17th brigade, reported that Nathaniel R. Tunstall was duly elected. The report was concurred in.

Mr. McQueen presented a bill, concerning the board of internal improvements; Mr. McNeill a bill, to empower the courts of pleas and quarter sessions of the several counties within this State, to authorise the erection of gates across public roads within their respective counties; and Mr. Sumner, a bill to authorise the trial of titles to real estate, when the same shall come in question, on petitions for partition. These bills were read the first time and passed, and the last named bill, was, on Mr. Norman's motion, referred to the committee on the judiciary.

The engrossed bill to repeal an act, passed in the year 1830, entitled an act to repeal part of the second section of an act, passed in the year 1806, Chapter 703, entitled an act to revise the militia laws of this State, was read the third time and passed. Yeas 56. Nays 53. The yeas and nays demanded by Mrs. Emmit.

Those who voted in the affirmative were, Messrs. Baker, Barringer, Blowe, Borden, Burgin, Burns, Cansler, Carter, Clark, Clayton, Courts, Cunningham, Davidson, Dewes, Doherty, Eccles, Edmonston, Enloe, Gary, Gee, Glass, Grady, Hart, Hill, Jordan, Lancaster, Lee, Locke, Loudermilk, Lyon, Mask, Muller, McLaurin, McLeod, McMillan, McNeill, Norman, Outlaw, O'Brien, Parke, Pierse, Relfe, Saintclair, S. T. Sawyer, F. A. Sawyer, Shepard, Smith, Spruill, Thomas, G. A. Thompson, L. Thompson, Townsend, Waddell, Ward, Whitaker, Word.—56.

Those who voted in the negative were, Messrs. Abernathy, Adams, Allison, Arrington, Bonner, Bragg, Brower, Cloman, Craige, Cromwell, Emmit, Foscue, Graves, Guthrie, Gwynn, Hammond, Harper, Harrison, Horton, Hurst, Irion, J. B. Jones, R. Jones, Judkins, Ledford, Little, Long, Mangum, Marsteller, Monk, Montgomery, Murray, McQueen, Peeples, Pearson, Poindexter, Polk, Potts, Rand, Roberts, Settle, Simmons, Sloan, Stallings, Stephens, Tunstall, Wadsworth, Welch, Willey, Wiseman, A. W. Wooten, Ziglar.—53.

Ordered that the concurrence of the Senate, be asked in the amendments heretofore made to said bill in this House.

The bill to provide for the final settlement of executors and administrators, also the annual settlement of guardians in the county of Anson; the bill to authorise Jeremiah Ingram, to erect a gate across a public road; the bill authorising Samuel Latham of the county of Pitt, to erect a gate across a public road; the bill to repeal in part, an act of the General Assembly, passed in the year 1826, entitled an act to repeal an act of the General Assembly, passed in the year 1820, entitled an act directing the county courts to pay fees to certain officers therein named in certain cases, so far as relates to the counties mentioned in this act; the bill to incorporate the town of Whitesville in the county of Columbus; the bill to establish Haywood Academy, in the county of Chatham, and to incorporate the trustees thereof; and the bill to incorporate the Leaksville Toll Bridge Company; in the county of Rockingham, were severally read the second time and passed.

The bill to provide for the more prompt administration of justice, in the counties of Burke, Buncombe, Lincoln and Rutherford, was read the second and third times, passed, and ordered to be engrossed.

The bill granting to Ralph Freeman, the privilege of preaching or exhorting, was read, and, on motion of Mr. Sumner, indefinitely postponed.

The engrossed bill to legitimate Arcadia Harris, and entitle her to inherit from both parents, was read, and, on Mr. Townsend's motion, referred to the committee on propositions and grievances.

The bill to establish the Merchants' Bank, in the town of Newbern, was, on Mr. Shepard's motion, made the order of the day for monday next.

The engrossed bill further to improve the police of the town of Washington, was on motion of Mr. Clark referred to the committee on private bills.

The House then adjourned until Saturday morning 10 o'clock.

SATURDAY, DECEMBER 22, 1832.

Mr. Faddis obtained leave of absence from the service of this House for this day.

Mr. Whitaker presented a resolution in favor of Joseph Welch, which was read the first time and passed, and, on Mr. Whitaker's motion, referred to the committee on propositions and grievances.

On motion of Mr. Marsteller, Messrs. Polk and A. W. Wooten were added to the joint select committee on military affairs.

Mr. Cuthbertson presented a bill for the better regulation of hands working on public roads, in the county of Anson; and Mr. Polk a bill to alter the mode of appointing certain general and field officers of the militia of the State of North Carolina. These bills were read the first time and passed, and the last named bill, on Mr. Polk's motion, was referred to the committee on military affairs.

The resignation of Eli Holland, a justice of the peace of the county of Johnston, was presented, read and accepted.

The House now proceeded to the order of the day, and, on motion of Mr. S. T. Sawyer, resolved itself into a committee of the whole, Mr. Barringer in the Chair, on the bill fixing a uniform mode of assessment of the real estate, with the improvements thereon, and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported the said bill to the House, with sundry amendments. The said amendments were read and concurred in, and the bill as amended was, on Mr. O'Brien's motion, laid on the table.

On motion of Mr. Emmit, ordered, that a message be sent to the Senate, informing that the name of Thomas Settle, of Rockingham, is added to the nominations heretofore made for a judge of the superior courts of law and equity.

Received from His Excellency the Governor the following communication.

To the honorable the General Assembly of the State of North Carolina:

Gentlemen,—Since the date of my last communication to your honorable body, I have received the resignation of William D. Kelly as a justice of the peace of the county of Surry, and of Nathan G. Blount, as a major of the 12th brigade of cavalry; both of which are herewith transmitted.

I am, gentlemen, very respectfully,

Your ob'dt servant, D. L. SWAIN.

Executive Office, December 22, 1832.

The said resignations were read and accepted.

The engrossed bill to prevent the felling of timber in, or otherwise obstructing the run of Bear Creek and its branches, in the counties of Lenoir and Wayne, was, on motion of Mr. Pearson, referred to the committee on private bills.

Mr. Shepard presented a bill, founded on a petition, to authorize Josiah O. Watson, or the said Watson and his associates, to erect a dam across Neuse river, in Johnston county; which was read the first time and passed, and, on motion of Mr. Shepard, referred to the committee on propositions and grievances. The House then adjourned until Monday morning, 10 o'clock.

MONDAY, DECEMBER 24, 1832

A message was received from the Senate, informing that they had passed the following engrossed bills, viz: A bill fixing a uniform time of holding the elections in the third Congressional District of North Carolina, in all the counties therein; a bill concerning the town of Rockford, in Surry county; a bill for the better regulation of the courts of pleas and quarter sessions for the county of Halifax; a bill to repair, improve and lay off a road, leading from Cornelius Howard's Mills, in Wilkes county, on Elk Creek, leading up said Creek to the great Western Road, crossing the Deep Gap of the Blue Ridge, near the Ashe county line, and from thence leading into the State of Tennessee; and a bill to exempt hands from working on certain roads, in Buncombe county, and asking the concurrence of this House. The said bills were read the first time and passed.

A message from the Senate, concurring in the proposition of this House to refer the late communication of the Public Treasurer, in relation to the suits now pending in the superior court of Wake against the securities of the late Public Treasurer and informing that Messrs. Wilson, Wellborn, Seawell, Toomer and Spaight form said committee on behalf of the Senate. Messrs. Mangum, Daniel, Davidson, Outlaw and Long, were appointed to compose said committee on the part of the Commons.

A message from the Senate, informing that they had passed the following engrossed bills, viz: a bill to establish the Bank of North Carolina; a bill to incorporate the Randolph Blues; a bill to repeal an act, passed in the year 1830, Chapter 143, entitled an act for the better regulation of the courts of pleas and quarter sessions of the county of Haywood; a bill to alter the name of, and legitimate Sally Holliday of Martin county; a bill to alter the names of Richard Alderson and William White of Beaufort county, and entitle them to inherit; a bill to incorporate the Gatesville Academy; a bill to incorporate the Sunbury Academy, in the county of Gates; and a bill to amend an act, passed in the year 1831, entitled an act to increase the liability of sheriffs and to provide more effectually for the collection of taxes, and asking the concurrence of this House.

Mr. Long, moved that the bill to establish the Bank of North Carolina be rejected. The question thereon was decided in the negative. Yeas 32. Nays 85. The yeas and nays demanded by Mr. Guthrie.

Those who voted in the affirmative, were Messrs. Baker, Barringer, Blowe, Bonner, Bragg, Beeman, Clark, Cloman, Craige, Davidson, Glass, Harper, Hurst, Judkins, Little, Long, Lyon, Marsteller, McCleese, McLeod, McMillan, Norman, Outlaw, Roberts, F. A. Sawyer, Sherwood, Skinner, Spruill, L. Thompson, Townsend, Ury, Ward.—32.

Those who voted in the negative, were Messrs. Abernathy, Adams, Allison, Brower, Rurgin, Cansler, Carter, Clayton, Courts, Cromwell, Cunningham, Cuthbertson, Dewes, Dockery, Doherty, Edmondston, Emmit, Enloe, Foscue, Gary, Gee, Gillespie, Grady, Graves, Guthrie, Gwynn, Hammond, Hardison, Harrison, Hart, Hartley, Horton, Irion, Irvine, Jarvis, J. B. Jones, R. Jones, Jordan, Lancaster, Lee, Ledford, Locke, Loudermilk, Mangum, Mask, Maultsby, Monk, Montgomery, Mullen, Murray, McLaurin, McNeill, McQueen, Park, Peeples, Pierce, Poindexter, Polk, Rand. Relife, Saintclair, Settle, Shepard, Simmons, Sloan, Smith, Stallings, Stephens, Sumner, Thomas, G. A. Thompson, Tillett, Tunstall, Waddell, Wadsworth, Watson, Weaver, Welch, Whitaker, Willey, Wiseman, Witcher, C. Wooten, Word, Ziglar.—85.

The aforesaid bills were accordingly read the first time and passed; and the bill to alter the name of, and legitimate Sally Holliday of Martin county, was, on motion of Mr. Baker, referred to the committee on propositions and grievances.

Messrs. Whitaker and Jordan, were appointed a committee to conduct on the part of this House, the balloting for a judge of the superior courts of law and equity heretofore agreed on, to take place this day. A message from the Senate, informing that Messrs. Collins and Stedman form said committee on the part of the Senate.

The resignation of William Hancock, as lieutenant colonel of the 44th regiment of North Carolina militia, received from the Senate, endorsed, read and accepted, was on motion of Mr. A. W. Wooten, laid on the table.

Mr. Gutherie presented a bill, to abolish the offices of county trustee and treasurer of public buildings in the county of Chatham, which was read the first time and passed.

Mr. Barringer presented a bill to establish the State Bank of North Carolina, which was read the first time and passed, and, on motion of Mr. Dewes, ordered to be printed.

Mr. Whitaker, from the committee appointed to conduct the balloting for a judge of the Superior courts, reported that no person had received a majority of the whole number of votes, and that there was no election. The report was concurred in. The name of Romulus M. Saunders, was, by Mr. Graves withdrawn from the nomination, and, on motion by Mr. Waddell, a message was sent to the Senate, proposing that another balloting for a judge take place immediately. This proposition was agreed to, and the House informed that Messrs. Martin and Matthews form their balloting committee; ordered that Messrs. Settle and Ziglar form this committee on the part of the Commons.

Mr. Grady presented a bill, founded on a petition to appoint commissioners to run and establish the line between the counties of Duplin and Wayne, which was read the first time and passed, and, on Mr. Cromwell's motion, referred to the committee on propositions and grievances.

Mr. Mangum, from the committee on internal improvements, to whom was referred the petition of the president, directors and company of the Portsmouth and Roanoke Rail Road, reported a bill, to enact with sundry alterations and additions, an act entitled an act, incorporating the Portsmouth and Roanoke Rail Road Company, and for other purposes, passed by the Legislature of Virginia, on the 8th day of March 1832. The said bill was read the first time and passed.

Mr. Irvine presented a bill to incorporate the town of Rutherfordton in the county of Rutherford; Mr. Polk a bill to establish a bank by the name and style of the Planters' Bank of North Carolina. These bills were read the first time and passed.

Mr. Little, from the committee appointed to conduct the balloting for a judge of the superior courts of law and equity, reported that Thomas Settle had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Mr. Eccles presented a bill to authorise the commissioners of the town of Fayetteville, to borrow \$200,000 to be invested in stock of the Cape Fear and Yadkin Rail Road Company, and for other purposes. The said bill was read the first and second times and passed.

Mr. Eccles, moved that the said bill be now read a third time, this was

agreed to; and the said bill read the third time, passed and ordered to be engrossed. Yeas 84. Nays 31. The yeas and nays demanded by Mr. Graves.

Those who voted in the affirmative, were Messrs. Abernathy, Barringer, Baker, Borden, Bragg, Brower, Burgin, Burns, Caniser, Clark, Clayton, Couris, Cunningham, Cuthbertson, Davidson, Dewes, Dockery, Doherty, Eccles, Edmonston, Emmit, Enloe, Fadden, Foscue, Gee, Gillespie, Glass, Grady, Guthrie, Hammond, Hart, Hartley, Hill, Horton, Hurst, Jarvis, J. B. Jones, Jordan, Laspeyre, Lee, Ledford, Little, Locke, Londermilk, Lyon, Mangum, Marsteller, Maulsby, Monk, Murray, McLaurin, McLeod, McMiller, McNeill, McQueen, Nelson, Outlaw, O'Brien, Park, Pearson, Poindexter, Polk, Rand, Roberts, Saintclair, F. A. Sawyer, Shepard, Skinner, Sloan, Smith, Sumner, G. A. Thompson, Townsend, Ury, Waddell, Wadsworth, Ward, Watson, Weaver, Whitaker, Wiseman, Wicheer, A. W. Wooten, C. Wooten, Word.—84.

Those who voted in the negative, were Messrs. Allison, Blowe, Boddie, Bonner, Eelman, Carter, Cloman, Cromwell, Graves, Gwynn, Hardison, Harper, Harrison, Irion, R. Jones, Juddins, Lancaster, Mullen, McCleese, Norman, Peeples, Relfe, Settle, Stallings, Stevens, Thomas, Tillett, Tunstall, Welch, Willey, Ziglar.—32.

The bill to establish a bank by the name and style of the Planters' Bank of North Carolina, was, on motion of Mr. Bragg, ordered to be printed.

Mr. S. T. Sawyer presented the following resolutions:

Resolved, That the several States composing the United States of America, are not united on the principle of unlimited submission to the General Government, but that by compact, under the style and title of a Constitution for the United States; and of amendment thereto, they constitute a General Government for special purposes, delegated to that Government certain definite powers, reserving each State to itself the residuary mass of right to their own self-government; and that whenever the General Government assumes undelegated powers, its acts are unauthorized, void and of no force; that this Government, created by this compact, was not made the exclusive or final judge of the extent of the powers delegated to itself, since that would have made its discretion, and not the Constitution, the measure of its powers: but that, as in all other cases of compact among parties having no common judge; each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress.

Resolved, That this State considers the Federal Union, upon the terms and for the purposes specified in the compact, as conducive to the liberty and happiness of the several States; that it does now unequivocally declare its attachment to the Union, and to the compact agreeably to its obvious and real intentions, and will be among the last to seek its dissolution. That if the Departments of the General Government be permitted to transgress the limits fixed by that compact, by a total disregard of the special delegations of power therein contained, an annihilation of the State Governments and the erection upon their ruins of a general consolidated government will be the inevitable consequence. That the principle and construction contended for by sundry of the State Legislatures, that the General Government is the exclusive Judge of the extent of the powers delegated to it, stop nothing short of despotism, since the discretion of those who administer the Government, and not the Constitution, would be the measure of their powers. That the several States who formed that instrument, being sovereign and independent, have the unquestionable right to judge of the infraction; and that a Nullification by those sovereignties of unauthorised acts, done under color of that instrument, is the rightful remedy. That this State does, under the most deliberate consideration, declare that the Tariff Laws, passed, not so much for the purposes of revenue, as to protect domestic manufactures, are in their opinion palpable violations of the said Constitution; and however cheerfully they may be disposed to surrender its opinions to a majority of its sister States in matters of ordinary and doubtful policy, yet in momentous regulations like the present, which so vitally affect the best rights of the citizen, it would consider a silent acquiescence as highly criminal.

That although this State, as a party to the Federal compact, will bow to the laws of the Union; yet it does at the same time declare that it will not now, or ever hereafter, cease to oppose in a constitutional manner every attempt at what quarter soever offered, to violate the compact. And in order that no pretexts or arguments may be drawn from a supposed acquiescence, on the part of this State, in the constitutionality of those laws, and be thereby used as precedents for similar future violations of the Federal Compact, this State does now enter against them its solemn protest.

Resolved farther, That this legislature, entertaining a deep interest and intense anxiety, in the relations at present existing between the State of South Carolina and the General

vernment, doth most distinctly declare, that in all cases of collision, arising between the States and the Federal Government, it does not recognize any authority or right in the latter to appeal to the sword as an arbiter to settle such controversy; and that the arms of the United States can never be employed to stay any State of the Union from the exercise of those legitimate powers which belong to her sovereign character, but that it regards an appeal to the Co-States, the source of all power in cases of real doubt, amongst the most sacred of all obligations—and that this State will not tamely submit to the exercise of military coercion by the Federal Government against her sister State, South Carolina, but that it respectfully recommended to both parties to suspend every form and manner of resistance until the disputed power can be submitted to all the States, convened in general Convention. The foregoing resolutions were read, and on motion by Mr. S. T. Sawyer, passed on the table. And then the House adjourned until to-morrow morning, 10 o'clock.

TUESDAY, DECEMBER 25, 1832.

Mr. F. A. Sawyer presented a bill to establish the Bank of Elizabeth City. Mr. Burgin moved that the House adjourn until to-morrow morning, 10 o'clock; the question thereon was decided in the negative. Yeas 55. Nays 68. The yeas and nays demanded by Mr. Glass.

Those who voted in the affirmative, were Messrs. Baker, Burgin, Clark, Craige, Cromwell, Cunningham, Daniel, Dewes, Dockery, Doherty, Emmit, Faddis, Gary, Gee, Gillespie, Guthrie, Hartley, Hill, Horton Hurst, Lancaster, Laspeyre, Locke, Mask, Montgomery, Millan, McNeill, McQueen, Norman, Outlaw, O'Brien, Park, Pearson, Poindexter, Polk, Rains, Rand, Ridley, Roberts, Saintclair, Settle, Shepard, Sherwood, Spruill, Stallings, G. A. Thompson, L. Thompson, Townsend, Tunstall, Ury, Waddell, Wadsworth, Ward, Watson, Wooten.—55.

Those who voted in the negative were, Messrs. Abernathy, Adams, Allison, Barringer, Blowe, Boddie, Borden, Bragg, Brower, Beeman, Cansler, Carter, Clayton, Cloman, Courts, Cuthbertson, Davidson, Eccles, Edmonston, Enloe, Foscue, Glass, Grady, Gwynn, Hammond, Hardison, Harper, Harrison, Hart, Irion, Irvine, Jarvis, J. B. Jones, R. Jones, Jordan, Lee, Ledford, Little, Loudermilk, Lyon, Mangum, Marsteller, Maultsby, Monk, Mullen, Murray, McCleese, McLaurin, Peeples, Relfe, S. T. Sawyer, F. A. Sawyer, Simmons, Sumner, Sloan, Smith, Stephens, Sumner, Thomas, Tillett, Weaver, Welch, Willey, Witcher, A. W. Wooten, Word, Ziglar.—68.

Mr. Adams moved that the bill to establish the Bank of Elizabeth City be rejected; pending this question, the House, on motion of Mr. Spruill, adjourned until to-morrow morning, 10 o'clock. Yeas 74. Nays 52. The yeas and nays demanded by Mr. J. B. Jones.

Those who voted in the affirmative were, Messrs. Adams, Baker, Boddie, Brower, Burgin, Burns, Clark, Craige, Cromwell, Cunningham, Cuthbertson, Daniel, Davidson, Dewes, Dockery, Doherty, Eccles, Edmonston, Emmit, Faddis, Foscue, Gary, Gee, Gillespie, Glass, Grady, Guthrie, Hardison, Hart, Hartley, Hill, Hurst, Irvine, R. Jones, Lancaster, Laspeyre, Locke, Lyon, Mangum, Mask, Montgomery, McLeod, McMillan, McNeill, McQueen, Nelson, Norman, Outlaw, O'Brien, Park, Poindexter, Polk, Rand, Ridley, Roberts, Saintclair, F. A. Sawyer, Settle, Shepard, Sherwood, Sloan, Smith, Spruill, Stallings, G. A. Thompson, L. Thompson, Townsend, Tunstall, Ury, Waddell, Wadsworth, Ward, Watson, Ziglar.—74.

Those who voted in the negative were, Messrs. Abernathy, Allison, Barringer, Blowe, Borden, Bragg, Beeman, Cansler, Carter, Clayton, Cloman, Courts, Enloe, Gwynn, Hammond, Harper, Harrison, Horton, Irion, Jarvis, J. B. Jones, Jordan, Lee, Ledford, Little, Loudermilk, Marsteller, Maultsby, Monk, Mullen, Murray, McCleese, McLaurin, Peeples, Relfe, S. T. Sawyer, Simmons, Skinner, Stephens, Sumner, Thomas, Tillett, Weaver, Welch, Whitaker, Willey, Wiseman Witcher, C. Wooten, Word, Ziglar.—52.

WEDNESDAY, DECEMBER 26, 1832.

On motion, leave of absence from the service of this House, from and after this day until the end of the session, was granted to Mr. Bonner.

Mr. Whitaker presented a bill to authorize the completion of the Tennessee river road, in the county of Macon, and to incorporate a company for that purpose, which was read the first time and passed.

On motion, leave of absence was granted to Mr. Borden, from the service of this House for the residue of the session, from and after Sunday next.

Mr. Clayton presented the following resolution:

Resolved, That a message be sent to the Senate, proposing that the General Assembly adjourn *sine die* on the fifth of January next, and the clerks make out the estimates to that day inclusive.

This resolution was adopted. Yeas 97. Nays 18. The yeas and nays demanded by Mr. Thomas.

Those who voted in the affirmative, are Messrs. Abernathy, Allison, Baker, Blowe, Boddie, Borden, Bragg, Brower, Beeman, Burgin, Cansler, Clark, Clayton, Courts, Craige, Cromwell, Cuthbertson, Daniel, Davidson, Dewes, Eccles, Edmonston, Enloe, Foscoe, Gary, Gee, Gillespie, Glass, Grady, Gwynn, Hammond, Hardison, Harper, Harrison, Hart, Hartley, Hill, Horton, Hurst, Irion, Irvine, Jarvis, J. B. Jones, R. Jones, Jordan, Judkins, Lee, Ledford, Little, Locke, Loudermilk, Lyon, Mangum, Marsteller, Mask, Maulsby, Monk, Mullen, McClesse, McLeod, McMillan, McQueen, Nelson, Norman, Park, Peoples, Pearson, Poindexter, Potts, Relfe, Ridley, Settle, Shepard, Simmons, Sloan, Smith, Spruill, Stallings, Stephens, Sumner, Thomas, G. A. Thompson, L. Thompson, Tillet, Ury, Wadsworth, Watson, Weaver, Welch, Willey, Wiseman, Witcher, A. W. Wooten, C. Wooten, Word, Zigar.—97.

Those who voted in the negative, were Messrs. Doherty, Emmit, Faddis, Guthrie, Laspyre, Long, Montgomery, McLaurin, McNeill, O'Brien, Pierse, Rand, Roberts, Saintclair, Townsend, Tunstall, Ward, Whitaker.—18.

Ordered, that Messrs. Graves and Blowe form the balloting committee for a judge of the supreme court of this State. A message from the Senate, informing that Messrs. Montgomery, of Orange, and Morris form said committee on behalf of the Senate.

Mr. G. A. Thompson, from the committee on claims, to whom was referred a resolution in favor of Fielding Slater, reported the same with an amendment.

Mr. Townsend, from the committee on propositions and grievances, to whom was referred the engrossed bill to legitimate Arcadia Harris and entitle her to inherit from both parents, made an adverse report thereon.

Mr. Townsend, from the same committee, to whom was referred the petition of sundry citizens of Pitt county, in relation to fishing in Tar or Pamlico river, reported unfavorably thereon, and prayed to be discharged from the further consideration thereof; the report was concurred in.

A message from the Senate, proposing that a joint select committee be raised, whose duty it shall be to examine the map of the State, published by John McRae, of Fayetteville, and report to this House whether or not, in their opinion, it will be expedient to purchase such number of said maps, as will be sufficient for distribution to each of the States and Territories and the District of Columbia; the proposition was agreed to and Messrs. Skinner, Courts, Gary, Polk and Sherwood appointed to compose said committee on behalf of the Commons.

A message from the Senate, concurring in the amendments made by this House, to the engrossed bill to repeal an act, passed in the year 1830, entitled, an act to repeal part of the second section of an act, passed in the year 1806, chapter 708, entitled, an act to revise the militia laws of this State: Ordered, that said bill be enrolled.

A message from the Senate, informing that they had passed the following engrossed bills, viz: A bill to amend the militia laws; a bill to incorporate the Blakely Blues; and a bill to alter the time for the sheriff to make his settlements with the court of pleas and quarter sessions, of the county of Wilkes, and asking the concurrence of the House therein; the said bills were read the first time and passed.

On motion of Mr. Eccles, ordered, that the resolutions presented on the

24th instant, by Mr. S. T. Sawyer, relating to the Tariff and States' Rights be printed, one copy for each member of the Legislature.

Mr. Courts presented a petition from sundry citizens of the county of Surry, praying an alteration of the road laws of the State; the said petition was, on motion of Mr. Courts, referred to the committee on internal improvements.

Received from His Excellency the Governor, by his Private Secretary Mr. Hill, the following communication.

To the honorable the General Assembly of the State of North Carolina:

Gentlemen,—In obedience to an act of the Assembly, I herewith transmit a copy of the Annual Report of the Treasurer of the Board of Trustees of the University of North Carolina, submitted to that body at its late annual meeting. The account was submitted to a committee who have reported that it is correct, and that the disbursements are sustained by regular vouchers; and this report has been concurred in by the Board. The death of the late Archibald D. Murphey, Esq. has occasioned a vacancy in the Board of Trustees which can only be filled by the Legislature.

I am, very respectfully, your ob'dt servant,

D. L. SWAIN.

Executive Office, December 24, 1832.

The foregoing communication, together with the report referred to, was read and ordered to be transmitted to the Senate, with a proposition that they be printed.

The bill to establish the Merchants' Bank, in the town of Newbern, was read the second time. Mr. Guthrie moved to strike out the first section of the said bill; the question thereon was decided in the negative. Yeas 46. Nays 79. The yeas and nays demanded by Mr. Brower.

Those who voted in the affirmative, were Messrs. Allison, Bragg, Brower, Carter, Cloman, Courts, Cromwell, Cunningham, Daniel, Dockery, Faddis, Gee, Guthrie, Jarvis, J. B. Jones, R. Jones, Lee, Ledford, Little, Lyon, Mangum, Marsteller, Maulsby, Monk, Montgomery, Mullen, McClcese, McMillan, Peebles, Pierse, Poindexter, Potts, Rand, Simmons, Sloan, Smith, Stephens, Thomas, Tillet, Wadsworth, Watson, Willey, Wiseman, Witcher, Word, Ziglar.—46.

Those who voted in the negative, were, Messrs. Abernathy, Baker, Barringer, Blowe, Boddie, Borden, Beeman, Burgin, Cansler, Clark, Clayton, Craige, Cuthbertson, Davidson, Dewes, Doherty, Eccles, Edmondston, Emmitt, Enloe, Foscue, Gary, Gillespie, Glass, Grady, Graves, Gwynn, Hammond, Hardison, Harper, Hartt, Hartley, Hill, Horton, Hurst, Irion, Irvine, Jordan, Judkins, Lancaster, Laspeyre, Locke, Long, Londermilk, Murray, McLaurin, McLeod, McNeill, McQueen, Nelson, Norman, O'Brien, Park, Pearson, Polk, Relife, Ridley, Roberts, Saintclair, S. T. Sawyer, F. A. Sawyer, Settle, Shepard, Spruill, Stallings, Sumner, G. A. Thompson, L. Thompson, Townsend, Tunstall, Ury, Waddell, Ward, Weaver, Welch, Whitaker, A. W. Wooten, C. Wooten.—79.

Mr. Guthrie moved that said bill lie on the table; this motion was negatived. The said bill, was, on the motions of Messrs. Graves and Barringer, amended and passed its second reading. Yeas 63. Nays 60. The yeas and nays demanded by Mr. Emmitt.

Those who voted in the affirmative, were Messrs. Abernathy, Baker, Barringer, Blowe, Borden, Burgin, Cansler, Carter, Clark, Clayton, Craige, Cuthbertson, Davidson, Dewes, Doherty, Eccles, Edmondston, Enloe, Gillespie, Glass, Grady, Graves, Gwynn, Hardison, Hart, Hartley, Hill, Irvine, Jordan, Laspeyre, Locke, Long, Londermilk, Murray, McLaurin, McLeod, McNeill, McQueen, Nelson, O'Brien, Park, Pearson, Polk, Relife, Ridley, Roberts, Saintclair, S. T. Sawyer, F. A. Sawyer, Shepard, Spruill, Sumner, G. A. Thompson, L. Thompson, Townsend, Tunstall, Ury, Waddell, Ward, Weaver, Whitaker, A. W. Wooten, C. Wooten.—63.

Those who voted in the negative, were Messrs. Allison, Boddie, Bragg, Brower, Beeman, Cloman, Courts, Cromwell, Cunningham, Daniel, Dockery, Emmitt, Faddis, Foscue, Gary, Gee, Guthrie, Hammond, Harper, Horton, Hurst, Jarvis, J. B. Jones, R. Jones, Judkins, Lee, Ledford, Little, Lyon, Mangum, Marsteller, Maulsby, Monk, Montgomery, Mullen, McClcese, McMillan, Norman, Peebles, Pierse, Poindexter, Potts, Rand, Settle, Simmons, Sloan, Smith, Stallings, Stephens, Thomas, Tillet, Wadsworth, Watson, Welch, Willey, Wiseman, Witcher, Word, Ziglar.—60.

Mr. Graves, from the committee appointed to conduct the balloting for a judge of supreme court, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

A message from the Senate, proposing that another balloting be had immediately for this officer. The message, was, on motion of Mr. S. T. Sawyer, laid on the table.

And the House adjourned until to-morrow morning 9 o'clock.

THURSDAY, DECEMBER 27, 1832.

Mr. Cansler presented a petition of sundry citizens of the county of Lincoln, praying an alteration in the laws relative to the duties of sheriffs and constables; the said petition was, on motion of Mr. Cansler, referred to the committee on the judiciary.

Mr. Polk, from the committee on propositions and grievances, to whom was referred the bill to prevent the obstruction of fish passing up the Roanoke and Cashie rivers, made an adverse report thereon.

Mr. Dockery, from the committee on private bills, to whom was referred the engrossed bill to prevent the felling of timber in, or otherwise obstructing the run of Bear Creek and its branches, in the counties of Lenoir and Wayne, reported the same with an amendment.

On motion of Mr. Pearson:

Resolved, That the Public Treasurer and Attorney-general be instructed to take the necessary proceedings, for the purpose of ascertaining, by a decision of the supreme court, whether the Cape Fear and Newbern Banks, in paying the tax required by law, out of the profits of said banks before dividends are declared, have acted in pursuance of the proper construction of that part of their charter, which enacts that a tax of one per cent. shall be levied upon all the stockholders, &c. &c. And whether the proper construction of their charters does not require that dividends should be first declared, and that the tax should then be retained out of the dividends of the individual stockholders, so that the tax may be paid by the individual stockholders and not by the bank.

Ordered, that said resolution be engrossed.

Mr. Craig presented the following resolution, which was read and rejected

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the criminal laws of this State, that no person shall be compelled to pay the costs accruing from the attendance of witnesses, necessary to his defence in any prosecution, whenever he shall be acquitted of the charge or charges preferred against him.

Resolved further, That they enquire into the expediency of compelling the prosecutor to pay all such costs.

On motion of Mr. Barringer, ordered, that a message be sent to the Senate, proposing a balloting immediately for a judge of the supreme court. A message from the Senate, agreeing to this proposition, and informing that Messrs. Hogan and Skinner are appointed their superintendents of balloting. Ordered, that Messrs. Sumner and G. A. Thompson superintend the balloting on the part of the Commons.

The bill to establish the Bank of Elizabeth City, passed its first reading and was, on Mr. Guthrie's motion, ordered to be printed.

Mr. Thomas presented a resolution in favor of Elizabeth Forbis of Guilford county, accompanied by a certificate in favor of said Elizabeth, from the court of pleas and quarter sessions of said county. Said resolution was read the first time and passed.

Mr. Dewes presented a resolution in favor of Jonathan Williams, which was read and adopted, and ordered to be engrossed.

Mr. Clayton presented a bill to restore to credit George B. Greer of Buncombe county; and Mr. Weaver a bill to exempt certain hands from working on the Hickory Nut Gap Road, in the county of Buncombe. These bills were read the first time and passed.

A message from the Senate informing that they had passed the following engrossed bills and resolutions viz: A bill to authorise the issuing of a grant for land to Amos Curtis and others, for a camp ground; a bill to incorporate the Pitt troopers and Bladen cavalry; a bill compensating jurors of the original pannel, in Beaufort county; a bill to amend an act, passed in 1820, entitled an act to establish the town of Gatesville; a bill to incorporate the trustees of the Waynesville Academy, in the county of Wayne; a resolution in favor of Robert Stinson; a resolution providing for the sale of the rubbish of the old Capitol; a resolution in favor of Charity Webb of Wilkes county; a resolution in favor of Benjamin Kilby of Wikes county; a resolution for the Adjutant General; and, a resolution in favor of Samuel W. W. Vick, sheriff of Nash county, and asking the concurrence of this House. The said resolutions and bills were read the first time and passed.

The resignations of Archibald Monk and of Benjamin Hargrove, justices of the peace of the county of Sampson, received from the Senate, were read and accepted.

The House, on motion of Mr. O'Brien, resolved itself into a committee of the whole, Mr. Davidson in the chair, on the bill to establish the Bank of North Carolina, and after some time spent therein, the Speaker resumed the chair, and the Chairman on behalf of the committee, reported the said bill to the House with an amendment. Mr. Bragg, moved, that said bill be indefinitely postponed, the question thereon passed in the negative. Yeas 54. Nays 72. The yeas and nays demanded by Mr. Edmonston.

Those who voted in the affirmative were, Messrs. Baker, Barringer, Blowe, Boddie, Borden, Bragg, Beeman, Burns, Clark, Craige, Davidson, Dewes, Eccles, Foscue, Glase, Gwynn, Hammond, Harper, Hartly, Hill, Hurst, Irvine, Judkins, Laspeyre, Little, Long, Lyon, Marsteller, Maulsby, McCleese, McLeod, McMillan, Nelson, Norman, Pearson, Potts, Rand, Ridley, Roberts, F. A. Sawyer, Shepard, Sherwood, Sumner, Skinner, Spruill, Stephens, L. Thompson, Townsend, Tunstall, Ury, Waddell, Ward, Watson, A. W. Wooten.

Those who voted in the negative, were Messrs. Abernathy, Adams, Allison, Brower, Burgin, Canster, Carter, Clayton, Cloman, Courts, Cromwell, Cunningham, Cuthbertson, Daniel, Dockery, Edmonston, Emmitt, Enloe, Gary, Gee, Gillespie, Grady, Graves, Guthrie, Hardison, Harrison, Hart, Horton, Irion, Jarvis, J. B. Jones, R. Jones, Jordan, Lancaster, Lee, Ledford, Locke, Loudermilk, Mangum, Mask, Monk, Mullen, Murray, McLaurin, McNeill, McQueen, O'Brien, Park, Peeples, Pierse, Poindexter, Polk, Relfe, Saintclair, S. T. Sawyer, Settle, Simmons, Sloan, Smith, Stallings, Thomas, G. A. Thompson, Tillett, Wadsworth, Welch, Whitaker, Willey, Wiseman, Witcher, C. Wooten, Word, Ziglar.—72.

Mr. Graves moved to add, at the close of the seventeenth section, the words, "until otherwise ordered by the directors," which was negatived. Mr. Poindexter moved to strike out, in the second section, the words "six hundred thousand" and insert one million, which was also rejected. Mr. Bragg proposed the following as an additional section:

"That it shall be lawful for any individual whatever, to make deposit in said bank of any sum of money, of any specie paying bank, said sum not exceeding five thousand dollars; and that said bank, when called upon to refund the same, shall be compelled to do so; and in addition to the amount deposited, shall pay to the individual depositing at the rate of four per cent. interest per annum, for the use of any amount of money so deposited; and if the said bank shall refuse to refund any deposit, with interest as aforesaid, it may be lawful for any individual making such deposit, to have and maintain

his action on the case against said corporation, and recover according to the provisions herein made."

The foregoing amendment was also rejected. Mr. Pearson proposed the following amendment.

"That a tax of one per cent. per annum shall be levied on all stock in the bank, held by individuals which tax shall be paid to the Treasurer by the President or Cashier of the bank, on or before the first of October in each and every year."

The question thereon passed in the affirmative. Yeas 97. Nays 24. The yeas and nays called for by Mr. Parke.

Those who voted in the affirmative were, Messrs. Abernathy, Allison, Baker, Barringer, Blowe, Boddie, Bragg, Brower, Beeman, Burgin, Cansler, Clark, Clayton, Cloman, Courts, Cromwell, Cunningham, Cutlbertson, Daniel, Davidson, Dewes, Dockery, Doherty, Edmonston, Enloe, Foscue, Gary, Gillespie, Glass, Grady, Graves, Guthrie, Gwynn, Hammond, Hardison, Harper, Harrison, Hart, Hartley, Hill, Hurst, Irion, Irvine, Jarvis, Judkins, Lee, Ledford, Little, Locke, Loudermilk, Lyon, Marsteller, Mask, Maulsby, Montgomery, Mullen, Murray, McCleese, McLaurin, McLeod, McMillan, McNeill, McQueen, Nelson, Norman, O'Brien, Parke, Pearson, Poindexter, Polk, Potts, Rand, Relfe, Ridley, Roberts, F. A. Sawyer, Shepard, Simmons, Skinner, Spruill, Stephens, Sumner, Thomas, G. A. Thompson, L. Thompson, Townsend, Tunstall, Ury, Wadsworth, Ward, Weaver, Whitaker, Willey, Wiseman, Witcher, A. W. Wooten, Word.—97.

Those who voted in the negative were, Messrs. Adams, Borden, Burns, Carter, Eccles, Emmit, Horton, J. B. Jones, R. Jones, Jordan, Lancaster, Mangum, Monk, Peeples, Saintclair, S. T. Sawyer, Settle, Sloan, Smith, Stallings, Tillett, Waddell, Welch, Ziglar.—24.

Mr. L. Thompson offered the following as an additional section.

"That the President and Directors shall not declare a dividend exceeding six per cent. upon the stock in any one year, and such part of the profits of the bank as may be an excess over the dividend of six per cent. declared in any one year, shall remain in bank as an accumulating fund until the expiration of the charter."

The question on the adoption of this amendment was decided in the affirmative. Yeas 59. Nays 58. The yeas and nays called for by Mr. Spruill.

Those who voted in the affirmative, were Messrs. Abernathy, Baker, Barringer, Blowe, Borden, Bragg, Beeman, Burgin, Cansler, Clark, Clayton, Courts, Craige, Davidson, Edmonston, Foscue, Gillespie, Glass, Gwynn, Hammond, Harper, Hartley, Hill, Hurst, Judkins, Laspeyre, Locke, Lyon, Marsteller, Mask, Maulsby, Murray, McCleese, McLeod, McMillan, Nelson, Norman, O'Brien, Pearson, Poindexter, Polk, Potts, Relfe, Ridley, Roberts, F. A. Sawyer, Shepard, Simmons, Skinner, Spruill, Stallings, Stephens, L. Thompson, Townsend, Ury, Ward, Weaver, Willey, A. W. Wooten.—59.

Those who voted in the negative, were Messrs. Adams, Allison, Boddie, Brower, Harper, Cloman, Cromwell, Cunningham, Daniel, Dewes, Dockery, Doherty, Emmit, Enloe, Gary, Gee, Graves, Guthrie, Hardison, Harrison, Hart, Horton, Irion, Jarvis, J. B. Jones, R. Jones, Jordan, Lee, Ledford, Little, Loudermilk, Mangum, Monk, Montgomery, Mullen, McLaurin, McNeill, McQueen, Peeples, Saintclair, Settle, Sloan, Smith, Thomas, G. A. Thompson, Tillett, Tunstall, Waddell, Wadsworth, Watson, Whitaker, Wiseman, Witcher, C. Wooten, Word, Ziglar.—58.

The bill was further amended in several particulars on the motions of Messrs. Mangum and O'Brien and passed its second reading. Yeas 64. Nays 61. The yeas and nays demanded by Mr. Wiseman.

Those who voted in the affirmative, were Messrs. Abernathy, Adams, Allison, Brower, Burgin, Cansler, Carter, Clayton, Cloman, Cunningham, Cutlbertson, Daniel, Dockery, Emmit, Enloe, Gillespie, Grady, Graves, Guthrie, Hardison, Harrison, Hart, Horton, Irion, Jarvis, J. B. Jones, R. Jones, Jordan, Lee, Ledford, Locke, Loudermilk, Mangum, Mask, Monk, Montgomery, Mullen, Murray, McLaurin, McNeill, McQueen, O'Brien, Park, Peeples, Relfe, Saintclair, S. T. Sawyer, Settle, Simmons, Sloan, Smith, Stallings, Thomas, G. A. Thompson, Tillett, Waddell, Wadsworth, Welch, Whitaker, Welch, Willey, Wiseman, Witcher, Word, Ziglar.—64.

Those who voted in the negative, were Messrs. Baker, Barringer, Blowe, Boddie, Borden, Bragg, Beaman, Burns, Clark, Courts, Craige, Cromwell, Davidson, Dewes, Doherty, Eccles, Edmonston, Foscue, Gary, Gee, Glass, Gwynn, Hammond, Harper, Hartley, Hill, Hurst, Irvine, Judkins, Little, Long, Lyon, Marsteller, Maulsby, McCleese, McLeod, McMillan, Nelson, Norman, Pearson, Poindexter, Polk, Potts, Rand, Ridley,

Roberts, F. A. Sawyer, Shepard, Skinner, Spruill, Stephens, Sumner, L. Thompson, Townsend, Tunstall, Ury, Ward, Watson, Weaver, A. W. Wooten, C. Wooten.—61.

Mr. Geo. A. Thompson, from the committee appointed to conduct the balloting for a judge of the supreme court, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred.

And then the House adjourned until to morrow morning at 9 o'clock.

FRIDAY, DECEMBER 28, 1832.

Received from His Excellency the Governor, the following communication.

To the Honorable the General Assembly of the State of North Carolina:

Gentlemen,—I have the honor to communicate a letter from his Excellency Gov. Wolfe, of Pennsylvania, enclosing resolutions recently adopted by the Legislature of that state, relative to the Union of the States and the Constitution of the United States.

I am, very respectfully, &c.

D. L. SWAIN.

28th December, 1832.

The said communication, with the documents referred to, were read and ordered to be sent to the Senate.

Mr. Polk, from the committee on military affairs, to whom was referred the bill to alter the mode of appointing certain general and field officers of the militia of the State of North Carolina, reported the same without amendment.

Mr. Graves withdrew from the nomination for a judge of the supreme court, the names of Frederick Nash and Robert Strange, and on his motion, a message was sent to the Senate, proposing that another balloting for this officer be had immediately; a message from the Senate agreeing to this proposition, and informing that Messrs. Bailey and Marshall, form their balloting committee; ordered that Messrs. Burgin and Rand form said committee on the part of the Commons.

On motion, leave of absence from the service of this House, from this day until Monday next, was granted to Mr. Waddell.

Mr. Poindexter presented a petition from sundry citizens of the county of Stokes, and Mr. Courts a petition from the county of Surry, praying for the establishment and location of banking capital in the town of Leaksville.—These petitions were ordered to lie on the table.

The resolution in favor of the Onslow militia was read the third time, passed, and ordered to be engrossed. Yeas 89. Nays 26. The yeas and nays demanded by Mr. Wiseman.

Those who voted in the affirmative, were Messrs. Abernathy, Adams, Allison, Baker, Barringer, Blowe, Boddie, Borden, Bragg, Beeman, Cansler, Clark, Clayton, Cloinan, Courts, Craige, Cunningham, Cuthbertson, Daniel, Davidson, Dockery, Doherty, Eccles, Enloe, Gary, Gillespie, Glass, Grady, Graves, Guthrie, Gwynn, Harper, Hart, Hartley, Hill, Hinton, Hurst, Jarvis, J. B. Jones, R. Jones, Jordan, Judkins, Lancaster, Laspeyre, Ledford, Locke, Long, Lyon, Mangum, Marsteller, Mask, Maulsby, Montgomery, Mullen, Murray, McCleese, McLeod, McMillar, McNeill, McQueen, Nelson, Norman, O'Brien, Park, Pearson, Poindexter, Polk, Potts, Relfe, Saintclair, S. T. Sawyer, Shepard, Simmons, Skinner, Sloan, Sumner, Thomas, G. A. Thompson, L. Thompson, Tunstall, Ury, Ward, Weaver, Welch, Whitaker, Witcher, A. W. Wooten, C. Wooten, Word.—89.

Those who voted in the negative, were, Messrs. Arrington, Brower, Burns, Carter, Cromwell, Edmondston, Foscue, Gee, Hammond, Hardison, Horton, Lee, Little, Loudermilk, McLaurin, Peeples, Ridley, Smith, Stallings, Stephens, Tillett, Wadsworth, Watson, Willey, Wiseman, Ziglar.—26.

Mr. Burgin, from the committee appointed, to superintend the balloting for a judge of the supreme court, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

On motion of Mr. Potts, ordered that a message be sent to the Senate, proposing another balloting immediately for this officer. A message from the Senate agreeing to this proposition, and informing that Messrs. Collins and Leake form their superintendents; ordered that Messrs. Cansler and Sloan, superintend said balloting on behalf of the Commons.

The bill concerning the hands working on roads in the county of Burke; the bill to incorporate the Northampton troop of cavalry; the bill for the better regulation of the town of Statesville; the bill to re-mark and renew the dividing line, between Richmond and Robeson counties; the bill to incorporate troops of cavalry in the counties of Onslow, Johnston and Lenoir; the bill to incorporate the trustees of the Rolesville Academy, in the county of Wake; the bill to establish Good Spring Grammar School, in the county of Stokes, and to incorporate the trustees thereof; the bill to amend an act, passed in the year 1826, entitled an act to appoint commissioners for the town of Kinston in the county of Lenoir; the bill to amend an act, passed in the year 1827, entitled an act to keep open the Tuckaseegée and Tennessee rivers, in Haywood county; the bill to incorporate an Academy on the lands of Martin R. Garrett, in the county of Nash, by the name and title of Stony Hill Academy; the bill to allow further time, to open books, for the purpose of receiving subscriptions for stock, in the Lake Drummond and Orapeake Canal Company; the bill to amend an act, passed in the year 1821, entitled an act to prevent fire hunting of fowl in Carteret county; the bill for the relief of Britton Jones of Bertie county; the bill to alter the line separating the north and south regiments of militia, in the county of Surry; the bill to incorporate Silver Run Academy, in the county of Cumberland; the bill to authorise Robert Henry, to erect a mill on Hominy creek, in Buncombe county; the bill to re-appoint commissioners for the town of Waynesville, in Haywood county; the bill to create one additional wreck district, in the county of Hyde, and for other purposes; the bill to alter the time of holding one of the terms of the courts of pleas and quarter session, for the county of Buncombe; the bill to incorporate the La Fayette Hotel Company, in the town of Fayetteville; the bill to repeal part of an act, passed A. D. 1830, entitled an act to appoint commissioners to superintend the building of a Court House, in the county of Burke; the bill to establish Haywood Academy, in the county of Chatham, and to incorporate the trustees thereof; and the bill to provide for the final settlement of executors and administrators, also the annual settlement of guardians, in the county of Anson, were severally read the third time, passed, and ordered to be engrossed.

Mr. Cansler, from the committee appointed to conduct the balloting for a judge of the supreme court, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

On motion of Mr. Laspeyre, ordered, that a message be sent to the Senate, proposing that another balloting be had immediately for a judge of the supreme court. A message from the Senate concurring in this proposition, and informing that Messrs. Montgomery, of Hertford, and Williams form their balloting committee. Ordered, that Messrs. Arrington and McMillan superintend the balloting for this House.

The bill to establish the Merchants' Bank in the town of Newbern was, on motion by Mr. Pearson, laid on the table.

Mr. Pearson called up for consideration, the bill to provide for taking the votes of the people for or against certain amendments to the constitution, when

on his motion, the said bill was laid on the table until the third Monday of November next.

The bill to authorize Jeremiah Ingram to erect a gate across a public road; and the bill authorizing Samuel Latham, of the county of Pitt, to erect a gate across a public road were read, and on motion indefinitely postponed.

Mr. Arrington, from the balloting committee for a judge of the supreme court, reported that no one had received a majority of the whole number of votes and that there was no election; the report was concurred in, and, on motion of Mr. Hill, a message was sent to the Senate, proposing that the two Houses ballot again immediately for this officer. A message from the Senate concurring in this proposition, and informing that Messrs. Wilson and Carter form their committee. Ordered, that Messrs. A. W. Wooten and Peeples compose said committee on behalf of this House.

The bill to allow commissions to constables in Hertford county, was read the second time, and, on Mr. Carter's motion, indefinitely postponed.

The bill to emancipate Horace, a slave, was read the third time. Mr. Little moved that the said bill be postponed indefinitely; the question thereon was determined in the negative. Yeas 37. Nays 77. The yeas and nays demanded by Mr. Little.

Those who voted in the affirmative, are Messrs. Adams, Arrington, Borden, Beeman, Carter, Cloman, Cromwell, Dewes, Foscue, Harper, Harrison, Hariley, Hurst, Jarvis, R. Jones, Lancaster, Little, Marsteller, Mullen, McCleese, McLeod, Nelson, O'Brien, Pierse, Potts, Relfe, Roberts, S. T. Sawyer, Simmons, Sloan, Spruill, Stallings Tillet, Townsend, Ward, Willey, A. W. Wooten.—37.

Those who voted in the negative, were Messrs. Abernathy, Allison, Barringer, Blowe, Boddie, Bragg, Brower, Burgin, Burns, Cansler, Courts, Craige, Cunningham, Daniel, Davidson, Dockery, Doherty, Eceles, Edmonston, Emmitt, Enloe, Gee, Gillespie, Glass, Graves, Guthrie, Gwynn, Hammond, Hardison Hart, Hill, Hinton, Horton, Irvine, Jordan, Judkins, Laspeyre, Lee, Ledford, Locke, Loudermilk, Lyon, Mangum, Mask, Maulsby, Monk, Montgomery, Murray, McLaurin, McMillan, McNeill, Park, Peeples, Pearson, Poindexter, Polk, Rand, Ridley, Saintclair, F. A. Sawyer, Settle, Skinner, Smith, Stephens, Thomas, G. A. Thompson, Tunstall, Ury, Wadsworth, Watson, Weaver, Welch, Whitaker, Wiseman, Witcher, Word, Ziglar.—77.

The said bill accordingly passed its third reading and was ordered to be engrossed.

The engrossed bill to repeal in part an act of the General Assembly, passed in the year 1826, entitled, an act to repeal an act of the General Assembly, passed in the year 1820, entitled, an act directing the county court to pay fees to certain officers therein named in certain cases, so far as relates to the counties mentioned in this act; the engrossed bill to exempt the militia residing on Knott's Island from attending general, regimental or battalion musters, at the Court House of Currituck; the engrossed bill to prevent the felling of timber in, or otherwise obstructing the channel of Little river, from Bumper's fork to the county line in Montgomery county; the engrossed bill exempting Powell's point and Poplar branch companies of Militia, in Currituck county, from attending regimental musters at the Court House therein. The engrossed bill more effectually to provide for the payment of jurors, in the county of Anson; the engrossed bill to regulate the collection of State Witness Tickets, so far as respects Guilford county; the engrossed bill for the better regulation of Jameston, in Martin county; the engrossed bill to incorporate a cavalry company, in the county of Duplin; the engrossed bill to incorporate the experimental rail-road company, in the city of Raleigh; the engrossed bill to prevent the felling of timber in, or otherwise obstructing the navigation of Goshen, between Hurst's bridge and the North-east river; the

engrossed bill to appoint commissioners for the town of Haywood, in the county of Chatham, and for the better regulation of the same; and the engrossed bill to incorporate the town of Whitesville, in the county of Columbus, were severally read the third time, passed and ordered to be enrolled.

The engrossed bill to establish the boundary line, between the counties of Washington and Beaufort, was read the second and third times, passed and ordered to be enrolled.

Mr. A. W. Wooten, from the committee appointed to conduct the balloting for a judge of the supreme court, reported that no one had received a majority of the whole number of votes and that there was no election; the report was concurred in.

The bill to authorize Laxton Lynch, of Rutherford county, to erect certain gates, was read, and, on Mr. Little's motion, postponed indefinitely.

The engrossed bill authorising the county court of the county of Gates, to have the records of said county transcribed, and to make copies of such transcribed records, evidence in all suits at law and equity in this State; also the engrossed bill to authorise the county court of Wake, to lay a tax for building a substantial fire proof Court House, or a substantial fire proof Office, for the safe keeping of the public records of the county; the engrossed bill to restore Joshua Pennill of Wilkes county, to credit; the engrossed bill to regulate the courts of pleas and quarter sessions of Davidson, Hyde and Onslow counties; and the engrossed bill to prevent the felling of timber in, or otherwise obstructing the run of Bear creek and its branches, in the counties of Lenoir and Wayne, were severally read the third time and passed. Ordered that the concurrence of the Senate, be asked in the amendments to the above named engrossed bills heretofore made by this House.

The bill to authorise certain persons hereafter named, to raise by way of Lottery, two thousand dollars for building a bridge across Neuse river at John Carter's landing, in the county of Lenoir, and for other purposes; the bill to alter the name of Eliza Humphrey, and to legitimate her; the bill fixing the time of granting orders for altering or turning roads, and laying off new ones in the county of Richmond; the bill to incorporate the North Carolina Historical Society; the bill concerning the working of public roads in the county of Iredell; the bill to amend the laws relative to the county courts of Iredell; the bill for the better organization of the militia of this State; and the bill to incorporate the Donaldson Academy and Manual Labor School, in the town of Fayetteville, were severally read the second time and passed.

The bill to alter the time of electing the county trustee for Orange county, was read the second and third times, passed, and ordered to be engrossed.

The bill to amend an act, passed in the year 1829, entitled an act to provide for the compensation of the jurors in the counties of Beaufort, Anson, Onslow, Hyde, and Duplin, was read the third time, passed, and ordered to be engrossed.

The bill to emancipate Joseph Hostler, was on motion of Mr. J. B. Jones postponed indefinitely.

The bill to incorporate the Leaksville Toll Bridge company, was, on motion of Mr. Graves, laid on the table.

The House, on motion of Mr. Guthrie, proceeded to the orders of the day, and took up the resolution in favor of Thomas Ragland of Chatham county, when on motion of Mr. Mangum, the said resolution was laid on the table.

The House then adjourned until to-morrow morning 9 o'clock.

SATURDAY, DECEMBER 29, 1832.

A message from the Senate, informing that they had passed the following engrossed bills and resolution, viz: a bill to amend an act, passed the present session, entitled an act to vest the right of electing clerks of the county and superior courts, in the several counties within this State, in the free white men thereof; a bill to authorise the removal of buildings on the public lands in the Town of Franklin; a bill to abolish the office of treasurer of public buildings, so far as relates to the county of Bladen, and for other purposes; a bill to incorporate the Robeson Light Dragoons; a bill to appoint commissioners for the town of Carthage in the county of Moore, and to incorporate the same; and a resolution in favor of Daniel Harris, and asking the concurrence of this House. The said bills and resolution were read the first time and passed.

On motion of Mr. Spruill, ordered that a message be sent to the Senate proposing another balloting immediately for a judge of the supreme court. The name of George E. Badger was, by Mr. L. Thompson, added to the nomination, and the Senate so informed.

A message from the Senate, informing that they had passed the engrossed resolutions concerning the Government House, and asking the concurrence of this House. The said resolutions were read the first time and passed.

Mr. S. T. Sawyer, from the committee on education to whom was referred a bill to exempt teachers and students of Literary schools, from militia duty, reported the same without amendment.

Mr. Mangum from the committee on internal improvements to whom was referred the petition of sundry citizens of Surry county, on the subject of the road laws, made an adverse report thereon, and prayed to be discharged from the further consideration of the subject. The report was concurred in.

Mr. Mangum, from the same committee to whom was referred a resolution upon the expediency of draining the low lands belonging to the State, in the counties of Tyrrell, Washington and Hyde, reported that the committee deem any legislation on the subject inexpedient at this time, and praying to be discharged from the further consideration thereof. The report was concurred in.

Mr. McLeod, from the committee on agriculture, to whom was referred the bill making the owners of dogs liable for the value of sheep that they kill or otherwise injure, reported the same with sundry amendments.

A message from the Senate, agreeing to ballot immediately for a judge of the supreme court, and informing that Messrs. Boddie and Allison are appointed their superintendents. Ordered, that Messrs. McLeod and Edmonston superintend the balloting on the part of this House.

On motion of Mr. Poindexter, so much of the 31st Rule of Order as relates to private bills, was suspended for the residue of the session.

Mr. O'Brien gave notice that he should on Monday next move a suspension of the 52d rule of order for the remainder of the session.

A message from the Senate, proposing that a balloting be had immediately for lieutenant-colonel and major of cavalry of the 16th brigade, and nominating Wm. Malone for the former and Joseph S. Thompson for the latter appointment; the proposition was agreed to and Messrs. J. B. Jones and Gillespie appointed a committee to conduct the balloting. A message from the Senate, informing that Messrs. Howell and Hoke form said committee on the part of the Senate.

Mr. Edmonston, from the balloting committee for a judge of the supreme court, reported that no one had received a majority of the whole number of

votes, and that there was no election. The report was concurred in, and on motion of Mr. Edmonston a message was sent to the Senate, proposing another balloting immediately. This proposition was concurred in by the Senate, and the House informed that Messrs. Hall and Montgomery (of Orange) form their committee of balloting. Ordered that Messrs. Word and Harper form said committee on the part of this House; and on motion of Mr. Polk, ordered that the Senate be informed that the name of George E. Badger, is withdrawn from the nomination.

Mr. McQueen presented a resolution in favor of Joseph Gales and Son, which was read the first time and passed, and referred on Mr. McQueen's motion to the joint select committee on the Library.

Mr. McQueen presented the following resolution.

It appearing by a letter from Colonel Isaac T. Avery, of Burke county, to J. Gales, the commissioner for collecting the old Laws and Journals, that he is willing to present to the State such old English Law Books contained in the Library of his late father, as may be deemed valuable as the foundation of a new State Library;

Resolved, That the thanks of this Legislature be presented to Col. Isaac T. Avery for his proposed generous donations, and that his Excellency Governor Swain, either by himself or some legal friend, select from the Library of the late Waightstill Avery, such English Law authorities or other books, as Colonel Avery may be willing to present to the State for the purpose above mentioned.

The said resolution was read, and, on motion of Mr. McQueen, referred to the committee on the Library.

Mr. Edmonston presented a bill to repeal an act, passed in the year 1818, Chapter 970, entitled an act fixing the sum hereafter to be paid to the State for vacant lands, which was read the first time and passed.

Mr. Gillespie, from the balloting committee for cavalry officer of the 16th brigade, reported that William Malone was duly elected lieutenant-colonel, and Joseph S. Thompson, major. The report was concurred in.

A message was sent to the Senate, proposing that the two House ballot immediately, for colonel, lieutenant-colonel, and major of cavalry of the 5th brigade. The proposition was agreed to, and Messrs. Willey and Doherty appointed to conduct the balloting. A message from the Senate, informing that Messrs. Bell and Lindsay form their balloting committee.

Mr. Word, from the committee appointed to conduct the balloting for a judge of the supreme court, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

The resignation of William Hancock as lieutenant-colonel of the 44th regiment of North Carolina militia, was read and accepted.

The bill to incorporate the Leaksville Toll Bridge Company, in the county of Rockingham, was called up by Mr. Graves, read the third time, passed and ordered to be engrossed.

A message from the Senate, agreeing to the proposition of this House to adjourn without day on Saturday next, the fifth January, 1833.

A message from the Senate, informing that they had passed the engrossed bill to authorise the commissioners of the town of Fayetteville to borrow two hundred thousand dollars to be invested in the Cape Fear and Yadkin Rail Road Company, and for other purposes, with an amendment, and asking the concurrence of this House. The amendment was read and concurred in.

The resolution to purchase a map of the State, for the public Treasurer's office, was, on motion of Mr. A. W. Wooten referred to the joint select committee raised upon this subject.

The resolution in favor of Horace D. Bridges, sheriff of Chatham, was read the second and third times, passed, and ordered to be engrossed.

The bill making appropriations for public roads, throughout the State, was read and on motion of Mr. J. B. Jones indefinitely postponed.

The bill to authorise the making of a Turnpike road in the county of Haywood, and to incorporate a company for that purpose; the bill to give longer time for paying in entry money; the bill compensating jurors of the original panel in the county of Beaufort; the resolution in favor of James Graham; and the resolution in favor of Joseph Gales commissioner, &c. were severally read the second time and passed.

On motion of Mr. Mangum, ordered that a message be sent to the Senate proposing that the two Houses ballot immediately for a superintendant of public works and nominating for the appointment, James Wyche of Granville county.

On motion of Mr. McQueen, ordered that a message be sent to the Senate, proposing that another balloting take place immediately, for a judge of the supreme court, and on motion of Mr. Sumner, ordered that the Senate be informed that the name of James Iredell is added to the nomination.

A message from the Senate agreeing to ballot immediately for a superintendant of public works, and informing that Messrs. Kerr and Stedman, compose their balloting committee; ordered that Messrs. Simmons and Wadsworth form said committee on behalf of the Commons.

A message from the Senate, informing that they had passed the following engrossed bills and resolution; a bill to reduce the salaries of the supreme court judges of North Carolina; a bill to alter the names of Catharine Dawson and Henry Dawson of Wake county; a bill for the better regulation of the courts of pleas and quarter sessions of Duplin county; a bill for the better organization of the militia of the county of Beaufort; a bill to incorporate the Williamston and Windsor Turnpike Company; and a resolution for the Public Treasurer, and asking the concurrence of this House. The said bills and resolution were read the first time and passed.

Mr. Shepard moved that the bill to reduce the salary of the Supreme Court Judges of North Carolina be rejected. The question thereon was decided in the negative. Yeas 45. Nays 72. The yeas and nays demanded by Mr. Borden.

Those who voted in the affirmative, were Messrs. Baker, Barringer, Borden, Bragg, Buras, Clark, Courts, Craige, Davidson, Dewes, Dockery, Eccles, Emmitt, Gary, Grady, Guthrie, Hardison, Hinton, Laspeyre, Locke, Marsteller, McLeod, McMillan, Norman, Outlaw, O'Brien, Park, Pearson, Polk, Ridley, Roberts, Saintclair, S. T. Sawyer, Shepard, Skinner, Stallings, Sumner, L. Thompson, Townsend, Tunstall, Ury, Waid, Wiley, A. W. Wooten, C. Wooten.—45.

Those who voted in the negative, were Messrs. Abernathy, Adams, Allison, Arrington, Blowe, Boddie, Brower, Burgin, Cansler, Carter, Cloman, Cromwell, Cunningham, Cuthbertson, Daniel, Edmondston, Enloe, Foscue, Glass, Graves, Gwynn, Hammond, Harper, Harrison, Hart, Hartley, Horton, Hurst, Irion, Irvine, Jarvis, J. B. Jones, R. Jones, Jordan, Juddkins, Lancaster, Lee, Ledford, Little, Loder milk, Lyon, Mask, Maulsby, Monk, Montgomery, Mullen, Murray, McCleese, McLaurin, McNeill, Nelson, Peeples, Pierce, Potts, Rand, Relfe, Settle, Simmons, Sloan, Smith, Stephens, Thomas, G. A. Thompson, Tillet, Wadsworth, Watson, Weaver, Whitaker, Wiseman, Witcher, Word, Ziglar.—72.

The bill concerning the board of internal improvements; and the bill to amend an act passed in the year 1831, entitled an act to increase the liability of sheriffs and to provide more effectually for the collection of taxes, were read the second time and passed.

The bill to empower the courts of pleas and quarter sessions of the several counties within this State to authorize the erection of gates across public roads

within their respective counties, was read the second time, amended and passed.

The engrossed bill to authorize the issuing of a grant for land to Amos Curtis and others for a camp Ground, was read the second time and rejected.

The House then adjourned until Monday morning 10 o'clock.

MONDAY, DECEMBER 31, 1832.

Mr. Simmons, from the committee appointed to conduct the balloting for a superintendent, of public works. reported that James Wyche had received a majority of the whole number of votes, and was duly elected. The report was concurred in.

Mr. Townsend, from the committee on propositions and grievances, reported unfavorably on the resolution in favor of Joseph Welch.

Mr. Townsend, from the same committee, reported favorably on the bill to alter the name of and legitimate Sally Holliday of Martin county.

Mr. Townsend, from the same committee, reported favorably on the bill to authorize Josiah O. Watson, or him and his associates, to erect a dam across Neuse river.

Mr. Townsend, from the same committee, made adverse reports on the bill to appoint commissioners to run and establish the dividing line, between the counties of Duplin and Wayne; and the petition from Orange county, praying that slaves may by law be prohibited from attending elections and musters.

On motion, ordered, that the said committee be discharged from the further consideration of subjects referred, for the residue of the session.

Mr. Eccles, from the committee on the judiciary, to whom the subject had been referred, reported a bill to amend the tenth section of the act of 1741, entitled, an act for the better observation of the Lord's day, commonly called Sunday, and for the more effectual suppression of vice and immorality; which was read the first time and passed.

Mr. Eccles, from the same committee, made an adverse report on the bill to amend an act, passed in the year 1822, entitled, an act for the relief of debtors for debts, which may be contracted after the first day of May next; also on the bill requiring warrants issued by justices of the peace in civil cases, to be returned in the district in which the defendant may reside.

Mr. Eccles, from the same committee, made adverse reports on the resolution instructing them to inquire into the propriety of so amending the law relative to executors and administrators as to require them, in all cases of insolvent estates, to make rateable payment of all claims against the estate of their testator or intestate; and on the resolution instructing them to enquire whether any, and if any, what provisions are necessary to be made in our law for the relief of insolvents. so as to enable certain persons when insolvent to be discharged from imprisonment, when imprisoned for fines for non-attendance at musters and reviews.

Mr. Eccles, from the same committee, reported favorably on the engrossed bill authorizing widows of persons dying intestate, to file their petitions for a years' support before letters of administration are granted.

Mr. Eccles, from the same committee to whom the subject had been referred, reported a bill to render the land of a deceased debtor liable for the costs, where the plea of fully administered has been found in favor of his executor or administrator, which was read the first time and passed.

A message from the Senate, concurring in the several amendments made by the House of Commons to the following engrossed bills, viz. A bill authorizing the county court of the county of Gates, to have the records of said

county transcribed, and to make copies of such transcribed records evidence in all suits at law and equity in this State; a bill to authorize the county court of Wake to lay a tax for building a substantial fire-proof Court House, or a substantial fire-proof office, for the safe keeping of the public records of the county; a bill to restore Joshua Pennil to credit; a bill to regulate the courts of pleas and quarter sessions of Davidson, Hyde and Onslow counties; and a bill to prevent the felling of timber in, or otherwise obstructing the run of Bear Creek and its branches, in the counties of Lenoir and Wayne; ordered; that said bills be enrolled.

Mr. Willey, from the balloting committee for cavalry officers of the 5th brigade, reported that William H. Robards as colonel, Matthew Calvert as lieutenant-colonel and Roderick B. Gary as major, had each received a majority of the whole number of votes and were duly elected; the report was concurred in.

A message from the Senate, proposing another balloting immediately for a judge of the supreme court; the proposition was agreed to and Messrs. Irvine and Hammond appointed a committee to conduct the balloting. A message from the Senate, informing that Messrs. Hogan and Moore form said committee on the part of the Senate.

On motion of Mr. Pearson, ordered, that a message be sent to the Senate; proposing that the two Houses ballot immediately for a trustee of the University, and informing that Daniel M. Barringer and Benjamin Sumner are in nomination for the appointment.

Mr. Irvine, from the committee appointed to conduct the balloting for a judge of the supreme court, reported that no one had received a majority of the whole number of votes, and that there was no election; the report was concurred in. A message from the Senate, proposing that the two Houses ballot again immediately for a judge of the supreme court, and informing that the name of Henry Seawell is withdrawn from the nomination; the proposition was agreed to and Messrs. Abernathy and J. B. Jones appointed superintendents. A message from the Senate, informing that Messrs. Wilson and Leake form this committee on the part of the Senate.

Mr. Jarvis presented a bill to authorize Israel Henry, of the county of Hyde, to retail spirituous liquors at public gatherings in said county, free of tax; and Mr. Enloe a bill to extend the provisions of an act, passed in the year 1830, chapter 113, entitled, an act to amend an act to establish and regulate a turnpike-road, in the county of Haywood, to be called the Tennessee river turnpike-road, passed 1826, chapter 36. These bills were read the first time and passed.

Mr. Abernathy, from the committee appointed to conduct the balloting for a judge of the supreme court, reported that no one had received a majority of the whole number of votes, and that there was no election; the report was concurred in.

Mr. O'Brien, in pursuance of notice heretofore given, now moved that the latter clause of the 52d rule of order be suspended for the remainder of the session; the question thereon was decided in the affirmative.

On motion of Mr. Burgin, ordered, that a message be sent to the Senate; proposing that another balloting for a judge of the supreme court take place immediately.

A message from the Senate, concurring in this proposition, and informing that Messrs. Hawkins and Morris are appointed their superintendants of balloting. Ordered that Messrs. Dewes and McNeill, superintend said balloting on the part of the Commons.

A message from the Senate, informing that they had passed the following engrossed bills and Resolutions, viz: a bill concerning the survey of lots in the town of Franklin; a bill to repeal in part an act, passed in the year 1827, Chapter 88, entitled an act appointing commissioners to run and establish the boundary line between the counties of Bladen and Columbus; a bill to empower the Wayne County Guards, to form themselves into a squadron of light or horse artillery; a bill to extend the provisions of an act, passed at the last session of the General Assembly, entitled an act in addition to an act passed at the last session of the General Assembly of this State, in relation to the burning of the records of the county of Hertford, to the county of Wake; a bill to incorporate the Macon county Agricultural Society; a bill to incorporate the La Fayette Artillery, and for other purposes; a bill to amend an act, passed in the year 1824, entitled an act for the better settlement of the finances of the county of Robeson; resolutions, declaring the attachment of the Legislature, to the constitution of the United States; and a resolution authorising the commissioners of the City of Raleigh, to place their Engine House, on Union Square; and asking the concurrence of this House, in the passage of the said bills and resolutions. The said bills were read the first time and passed. The resolutions declaring the attachment of the Legislature to the constitution of the United States, were on motion of Mr Bragg, made the order of the day for Wednesday next; the above mentioned resolution authorising the commissioners of the City of Raleigh to place their Engine House on Union Square, was read and adopted, and ordered to be enrolled.

Mr. McNeill, from the balloting committee for a judge of the supreme court, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in. A message from the Senate, proposing another balloting immediately for this officer. The proposition was agreed to, and Messrs. Gwynn and Dockery, appointed to conduct the balloting; a message from the Senate, informing that Messrs. Collins and Skinner are appointed to conduct said balloting, on behalf of the Senate.

The bill to establish the bank of Elizabeth City, was read, amended on Mr. S. T. Sawyer's motion, by striking out all after the words a bill, and inserting "to establish a bank, by the name and style of the President and Directors of the Bank of Albemarle" and rejected.

Mr. Daniel, from the committee on the judiciary, to whom was referred the bill to prevent protracted litigation by enlarging the jurisdiction of justices of the peace out of court, made an adverse report thereon.

Mr. Sumner, from the committee on propositions and grievances, to whom was referred the petition of Isaac Alexander, reported a resolution in favor of the petitioner, which was read the first time and passed.

The bill to establish the Merchants' Bank, in the town of Newbern, was read the third time and rejected. Yeas 53. Nays 59. The yeas and nays demanded by Mr. Loudermilk.

Those who voted in the affirmative, were Messrs. Abernathy, Baker, Barringer, Blowe, Burgin, Cansler, Carter, Clark, Doherty, Eccles, Edmonston, Enloe, Gillespie, Glass, Grady, Graves, Gwynn, Hardison, Harrison, Hart, Hartley, Hill, Hinton, Irvine, Jordan, Locke, Long, Mask, Murray, McLaurin, McLeod, McNeill, McQueen, O'Brien, Park, Pearson, Polk, Rand, Relife, Roberts, S. T. Sawyer, F. A. Sawyer, Shepard, Skinner, Smith, Spruill, G. A. Thompson, L. Thompson, Townsend, Ury, Whitaker, A. W. Wooten, C. Wooten,—53.

Those who voted in the negative, were Messrs. Adams, Allison, Arrington, Boddie, Bragg, Brower, Clayton, Cloman, Courts, Cromwell, Cunningham, Cuthbertson, Dockery, Emmitt, Foseng, Faddis, Gee, Hammond, Harper, Horton, Irion, Jarvis, J. B. Jones, R. Jones,

Judkins, Lancaster, Lee, Ledford, Little, Loudermilk, Lyon, Mangum, Maulsby, Montgomery, Mullen, McCleese, McMillan, Norman, Outlaw, Peeples, Pierse, Poindexter, Ridley, Saintclair, Settle, Simmons, Sloan, Stephens, Thomas, Tillet, Tunstall, Wadsworth, Watson, Welch, Willey, Wiseman, Witchee, Word, Ziglar.—59.

The resignation of Josiah Flippin, a justice of the peace of the county of Stokes, received from the Senate, was read and accepted.

The resignation of Thomas Dawson, a justice of the peace of the county of Lenoir, was presented, read and accepted.

The House then adjourned until 4 o'clock P.M.

MONDAY AFTERNOON, 4 O'CLOCK.

Mr. Gwynn, from the committee appointed to conduct the balloting for a judge of the supreme court of this State, reported that Joseph John Daniel, of Halifax, had received a majority of the whole number of votes and was duly elected; the report was concurred in.

The engrossed bill to authorize the issuing of a grant for land to Amos Curtis and others for a camp ground, heretofore rejected, was, on motion of Mr. O'Brien, reconsidered and laid on the table.

On motion, leave of absence from the service of the House from and after Thursday next, was granted to Mr. Council Wooten.

The bill to alter the time of holding the election, in the town and borough of Salisbury, was read the second time and passed.

The bill relating to the volunteer companies attached to the second regiment of Stokes county militia; the bill to establish a town on the lands of John D. Amis, in the county of Northampton, at the termination of the Petersburg rail road, on the Roanoke river; the bill to abolish the offices of county trustee and treasurer of public buildings in the county of Chatham, were read the second and third times, passed and ordered to be engrossed.

The bill for the better regulation of hands working on public roads, in the county of Anson, was read the second and third times, amended on Mr. McNeill's motion, by extending the provisions of the bill to the county of Cumberland, passed and ordered to be engrossed.

On motion, leave of absence from the service of the House until Thursday next, was granted to Mr. Waddell.

Mr. Bragg moved that the House adjourn until to-morrow morning, 9 o'clock. The question thereon was decided in the negative. Yeas 48. Nays 60. The yeas and nays called for by Mr. Loudermilk.

Those who voted in the affirmative, were Messrs. Abernathy, Baker, Barringer, Bragg, Brower, Burgin, Cansler, Clark, Craige, Cromwell, Cunningham, Cuthbertson, Daniel, Davidson, Edmondston, Enloe, Gary, Grady, Guthrie, Hart, Hill, Hinton, Horton, Judkins, Locke, Mask, Montgomery, McCleese, McLeod, McNeill, Nelson, Norman, Outlaw, O'Brien, Poindexter, Polk, Potts, Rand, Ridley, F. A. Sawyer, Smith, Townsend, Ury, Wadsworth, Watson, Whitaker, Witchee, Ziglar.—48.

Those who voted in the negative, were Messrs. Allison, Arrington, Blowe, Boddie, Carter, Clayton, Courts, Eccles, Foseue, Glass, Gwynn, Hammond, Hardison, Harper, Hurst, Irion, Jarvis, J. B. Jones, R. Jones, Jordan, Lancaster, Lee, Ledford, Little, Loudermilk, Lyon, Mangum, Marsteller, Maulsby, Mullen, Murray, McLaurin, McMillan, McQueen, Park, Peeples, Pierse, Relfe, Roberts, S. T. Sawyer, Settle, Shepard, Simmons, Sloan, Spruill, Stallings, Stephens, Thomas, G. A. Thompson, L. Thompson, Tillet, Ward, Weaver, Welch, Willey, Wiseman, A. W. Wooten, C. Wooten, Word.—60.

The bill to incorporate the town of Rutherfordton, in the county of Rutherford, was read the second time, amended and passed.

The bill making the owners of dogs liable for sheep which they may kill or otherwise injure, was called up and after undergoing divers modifications and amendments, the House on motion adjourned until to-morrow morning, 9 o'clock.

TUESDAY, JANUARY 1, 1833.

The bill to incorporate the Donaldson Academy and Manual Labor School, in the town of Fayetteville; the bill to amend the laws relative to the county courts of Iredell; the bill concerning the working of public roads, in the county of Iredell; the bill to incorporate the North Carolina Historical Society; the bill fixing the time of granting orders for altering or turning roads and laying off new ones, in the county of Richmond; the bill to authorize certain persons hereafter named, to raise by way of lottery two thousand dollars, for building a bridge across Neuse river, at John Carter's landing, in the county of Lenoir and for other purposes; the bill to authorize the making of a turnpike road, in the county of Haywood, and to incorporate a company for that purpose; the bill to incorporate the town of Rutherfordton, in the county of Rutherford; and the bill to alter the time of holding the election, in the town and borough of Salisbury were severally read the third time, passed and ordered to be engrossed.

The engrossed bill compensating jurors of the original panel, in the county of Beaufort; and the bill to alter the name of Eliza Humphrey and to legitimate her, were severally read the third time, passed and ordered to be enrolled.

Mr. Bragg, from the committee on the judiciary, reported unfavorably on the bill to authorize the courts of pleas and quarter sessions, within the several counties in this State, to license slaves and free persons of color to preach, pray or exhort in public in certain cases.

A message from the Senate informing that they had passed the engrossed bill to allow further time to open books for the purpose of receiving subscriptions for stock in the Lake Drummond and Orapeake Canal Company with an amendment, and asking the concurrence of this House. The said amendment was read and concurred in.

A message from the Senate, informing that they had passed the engrossed bill to amend an act, passed in the year 1824, entitled an act to amend an act passed in the year 1819, entitled an act to appoint a board of Branch Pilots, to examine all persons, who now have or may hereafter wish to obtain a branch to pilot, on Occracock Bar and the Swashes, with amendments, and asking the concurrence of this House therein. The said amendments were read and not concurred in, and the Senate so informed.

Mr. O'Brien, moved that the House do now reconsider their vote of yesterday, rejecting the bill to establish the Merchants' Bank, in the town of Newbern. The House agreed to re-consider, and the said bill was, on motion laid on the table.

A message from the Senate, informing that they had passed the following engrossed bills and resolutions, viz: a bill for the better regulation of Volunteers; a bill to amend an act, passed in the year 1829, entitled an act to provide for a division of negroes, and other chattel property held in common; the bill to extend the provisions of an act, passed at the last session of the General Assembly, entitled an act to abolish the offices of county trustee and treasurer of public buildings in the counties of Richmond, Columbus, Sampson and Robeson, to the counties of Halifax, Nash and Beaufort; a bill to amend an act, passed in the year 1821, entitled an act to amend the several inspection laws of this State, so far as respects turpentine, in the town of Wilmington; a bill to incorporate the Cabarrus Artillery; resolutions requesting the State of South Carolina, to suspend the operation of the ordinance of their convention; resolutions concerning Public Treasurer; and a resolution for

the Attorney General, and asking the concurrence of this House. The said bills were read the first time and passed.

The engrossed resolutions requesting the State of South Carolina to suspend the operation of the ordinance of their convention, were read, and, on motion of Mr. Bragg, made the order of the day for to-morrow.

The engrossed resolution concerning the Public Treasurer, was read the first time and passed.

The engrossed resolution for the Attorney General, was read and amended; ordered that the concurrence of the Senate be asked in said amendment.

The House, resolved itself into a committee of the whole, Mr. Barringer in the Chair, on the bill to establish the Bank of North Carolina, and after some time spent therein, the Speaker resumed the Chair, and the Chairman reported the said bill to the House, with sundry amendments; Mr. A. W. Wooten, moved that the said bill be postponed indefinitely, and called for the yeas and nays. The question was decided in the negative. Yeas 54. Nays 60.

Those who voted in the affirmative, were Messrs. Baker, Barringer, Blowe, Boddie, Bragg, Burns, Clark, Craige, Davidson, Doherty, Eccles, Foscue, Gary, Glass, Gwynn, Hammond, Hardison, Harper, Hart, Hill, Hinton, Hurst, Irvine, Judkins, Little, Lyon, Maulsby, Murray, McCleese, McLeod, McMillar, Nelson, Norman, Outlaw, Park, Pearson, Poindexter, Polk, Potts, Rand, Ridley, Roberts, Shepard, Skinner, Spruill, Stephens, Sumner, Townsend, Tunstall, Ury, Ward, Watson, Weaver, A. W. Wooten,—54.

Those who voted in the negative, were, Messrs. Abernathy, Allison, Arrington, Brower, Burgin, Cansler, Carter, Clayton, Cloman, Courts, Cromwell, Cunningham, Cuthbertson, Daniel, Dockery, Edmondston, Emmitt, Enloe, Gee, Gillespie, Grady, Graves, Guthrie, Horton, Irion, R. Jones, Jordan, Lee, Ledford, Locke, Loudermilk, Mangum, Mask, Montgomery, McLaurin, McNeill, McQueen, O'Brien, Peeples, Pierse, Relfe, Saintclair, Settle, Simmons, Sloan, Smith, Stallings, Thomas, G. A. Thompson, Tillett, Waddell, Wadsworth, Welch, Whitaker, Willey, Wiseman, Witcher, C. Wooten, Word, Ziglar,—60.

Mr. Outlaw moved that the bill lie on the table. The question was determined in the negative. Mr. Potts, moved that the House adjourn till to-morrow morning 9 o'clock. This motion was decided in the negative. Mr. Potts, moved that the bill be referred to the committee on private bills; this was also negatived. Mr. Roberts, moved that the House adjourn until to-morrow morning 9 o'clock. This question was determined in the negative. Yeas 22. Nays 97. The yeas and nays called for by Mr. Glass.

Those who voted in the affirmative were, Messrs. Baker, Bragg, Clark, Craige, Davidson, Foscue, Hammond, Hill, Hinton, Hurst, Irvine, Judkins, Nelson, Outlaw, Parke, Polk, Roberts, F. A. Sawyer, Skinner, L. Thompson, Townsend, Tunstall,—22.

Those who voted in the negative were, Messrs. Abernathy, Allison, Arrington, Barringer, Blowe, Boddie, Brower, Burgin, Burns, Cansler, Carter, Clayton, Cloman, Courts, Cromwell, Cunningham, Cuthbertson, Daniel, Dockery, Eccles, Edmondston, Emmitt, Enloe, Gary, Gee, Gillespie, Glass, Grady, Graves, Guthrie, Gwynn, Hardison, Harper, Hart, Horton, Irion, Jarvis, J. B. Jones, R. Jones, Jordan, Lee, Ledford, Little, Locke, Loudermilk, Lyon, Mangum, Marsteller, Mask, Maulsby, Montgomery, Murray, McCleese, McLaurin, McLeod, McMillan, McNeill, McQueen, Norman, O'Brien, Peeples, Pearson, Pierse, Poindexter, Potts, Rand, Relfe, Ridley, Saintclair, Settle, Shepard, Sherwood, Simmons, Sloan, Smith, Spruill, Stallings, Stephens, Sumner, Thomas, G. A. Thompson, Tillett, Ury, Waddell, Wadsworth, Ward, Watson, Weaver, Welch, Whitaker, Willey, Wiseman, Witcher, A. W. Wooten, C. Wooten, Word, Ziglar,—97.

Mr. Marsteller, moved that the House adjourn until half past three o'clock. This question was decided in the negative; Mr. Pierse, moved that the bill be referred to a select committee; this question was decided in the negative. On concurring with the amendment made in committee of the whole, viz: to strike out the 26th section of the bill, which was in the following words; "that a tax of one per cent. per annum, shall be levied on all stock in the bank held by individuals which tax shall be paid to the treasurer by the president or cash-

ier of the bank on or before the first of October in each and every year." Mr. Gwynn called for the yeas and nays, and the vote was, Yeas 37. Nays 77.

Those who voted in the affirmative, were Messrs. Allison, Arrington, Brower, Carter, Cloman, Cunningham, Cuthbertson, Daniel, Dockery, Emmitt, Enloe, Graves, Horton, Irion, J. B. Jones, R. Jones, Ledford, Mangum, Montgomery, McNeill, McQueen, O'Brien, Peeples, Saintclair, Settle, Simmons, Sloan, Smith, Stallings, Thomas, G. A. Thompson, Tillett, Waddell, Wadsworth, Watson, Whitaker, C. Wooten, —37.

Those who voted in the negative, were Messrs. Abernathy, Baker, Barringer, Blowe, Boddie, Bragg, Burgin, Burns, Cansler, Clark, Clayton, Courts, Craige, Cromwell, Davidson, Doherty, Eccles, Edmonston, Foscue, Gary, Gee, Gillespie, Glass, Grady, Guthrie, Gwynn, Hammond, Hardison, Harper, Hart, Hill, Hinton, Hurst, Irvine, Jordan, Judkins, Lee, Little, Locke, Loudermilk, Lyon, Marsteller, Mask, Maulsby, Murray, McCleese, McLaurin, McLeod, McMillan, Nelson, Norman, Outlaw, Park, Pearson, Pierse, Poindexter, Polk, Potts, Rand, Ridley, F. A. Sawyer, Shepard, Skinner, Spruill, Stevens, Sumner, L. Thompson, Townsend, Tunstall, Ury, Ward, Weaver, Wiseman, Witcher, A. W. Wooten, Word, Ziglar. —77.

So the House refused to strike out the said 26th section; Mr. Mangum, moved to re-commit the bill to a committee of the whole House. This question thereon, was determined in the negative. Yeas 40. Nays 74. The yeas and nays called for by Mr. L. Thompson.

Those who voted in the affirmative were. Messrs. Allison, Arrington, Brower, Carter, Cromwell, Cunningham, Cuthbertson, Daniel, Dockery, Emmitt, Gee, Gillespie, Grady, Guthrie, Hinton, Horton, Irion, R. Jones, Jordan, Ledford, Loudermilk, Mangum, McNeill, O'Brien, Peeples, Poindexter, Relfe, Saintclair, Settle, Sloan, Smith, Stallings, Thomas, Waddell, Whitaker, Willey, Wiseman, Witcher, Word, Ziglar. —40.

Those who voted in the negative, were Messrs. Abernathy, Baker, Barringer, Blowe, Boddie, Bragg, Burgin, Burns, Cansler, Clark, Clayton, Cloman, Courts, Craige, Davidson, Doherty, Eccles, Edmonston, Foscue, Gary, Glass, Graves, Gwynn, Hammond, Hardison, Harper, Hart, Hill, Hurst, Irvine, J. B. Jones, Judkins, Lee, Little, Locke, Lyon, Marsteller, Mask, Maulsby, Murray, McCleese, McLeod, McMillan, McQueen, Nelson, Norman, Outlaw, Park, Pierse, Polk, Potts, Rand, Ridley, Roberts, F. A. Sawyer, Shepard, Simmons, Skinner, Spruill, Stephens, Sumner, G. A. Thompson, L. Thompson, Tillett, Townsend, Tunstall, Ury, Wadsworth, Ward, Watson, Weaver, Welch, A. W. Wooten, C. Wooten, —74.

The remaining amendments, reported by the committee of the whole, were concurred in, the bill read the third time and rejected. Yeas 53. Nays 65. The yeas and nays called for by Mr. Spruill.

Those who voted in the affirmative, were Messrs. Adams, Allison, Arrington, Brower, Burgin, Carter, Clayton, Cloman, Cunningham, Cuthbertson, Daniel, Dockery, Edmonston, Emmitt, Enloe, Gillespie, Grady, Graves, Guthrie, Horton, Irion, J. B. Jones, R. Jones, Lee, Ledford, Locke, Loudermilk, Mangum, Mask, Montgomery, M'Laurin, McNeill, McQueen, O'Brien, Peeples, Relfe, Saintclair, Settle, Simmons, Sloan, Smith, Stallings, Thomas, G. A. Thompson, Tillett, Waddell, Wadsworth, Whitaker, Willey, Wiseman, Witcher, Word, Ziglar. —53.

Those who voted in the negative were, Messrs. Abernathy, Baker, Barringer, Blowe, Boddie, Bragg, Burns, Cansler, Clark, Courts, Craige, Davidson, Doherty, Eccles, Fosene, Gary, Gee, Glass, Gwynn, Hammond, Hardison, Harper, Hart, Hill, Hinton, Hurst, Irvine, Jordan, Judkins, Little, Lyon, Marsteller, Maulsby, Murray, McCleese, McLeod, McMillan, Nelson, Norman, Outlaw, Park, Pearson, Pierse, Poindexter, Polk, Potts, Rand, Ridley, Roberts, F. A. Sawyer, Shepard, Skinner, Spruill, Stephens, Sumner, L. Thompson, Townsend, Tunstall, Ury, Ward, Watson, Weaver, Welch, A. W. Wooten, C. Wooten. —65.

The House then adjourned until to-morrow morning 9 o'clock.

WEDNESDAY, JANUARY 2, 1833.

Received from His Excellency the Governor, the following communication.

To the honorable the General Assembly of the State of North Carolina:

Gentlemen,—I have been advised by the Secretary of the Board of Trustees of the University of North Carolina, that there are at present two vacancies in that body, occasioned by the removal of Robert H. Jones, Esq. to Virginia, and of Gen. Calvin Jones to Tennessee. The accompanying resignation of Mark Coleman, as a justice of the peace of the county of Macon, was received at this office on yesterday.

I have the honor to be, gentlemen, with much respect, your ob'dt servant,

Executive Office, January 1, 1833.

D. L. SWAIN.

The resignation transmitted as above mentioned, was read and accepted; ordered, on motion of Mr. Polk, that the communication of the Governor be transmitted to the Senate, with a proposition to ballot immediately for two other trustees, and adding to the nominations heretofore made the names of Daniel W. Courts, Charles L. Hinton and Hugh McQueen.

A message from the Senate, proposing that the two Houses ballot for a judge of the superior courts of law and equity, in this State, and informing that John D. Eccles, Richmond Pearson, James S. Jones and Henry Seawell, are nominated for the appointment. The proposition was agreed to, and the name of Spencer O'Brien, was by Mr. Cromwell, added to the nomination, and Messrs. C. Wooten and Irion appointed to conduct the balloting; a message from the Senate informing that Messrs. Carter and Bell, are appointed superintendents, of balloting on the part of the Senate.

Mr. Daniel from the committee on the judiciary to whom the subject was referred, reported a bill to repeal part of an act, passed at the last session of the General Assembly, Chapter 26, entitled an act to regulate retailers of spirituous liquors, which was read the first time and passed.

Mr. Eccles, from the committee on the judiciary to whom was referred the engrossed bill more effectually to prevent litigation, and to avoid suits at law; reported the same without amendment.

Mr. Eccles, from the same committee, reported unfavorably on the bill to secure a more perfect administration of justice, in certain cases, and on the resolution instructing said committee to report a bill declaratory of the duties and powers of inspectors, sheriffs and deputy sheriffs, holding elections in this State.

Mr. C. Wooten, from the committee appointed to conduct the balloting for a judge of the superior courts of law and equity, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

A message from the Senate, proposing another balloting immediately for a judge of the superior courts; the proposition was agreed to and Messrs. Skinner and Gary appointed to conduct the balloting.

A message from the Senate, informing that Messrs. Montgomery and Moyer, of Greene, form said committee on behalf of the Senate.

A message from the Senate, informing that they had passed the engrossed bill to empower the county court of Nash, to borrow money for the purpose of defraying the expense of building a fire-proof Court House, and asking the concurrence of this House; the said bill was read the first time and passed.

Mr. Eccles, from the committee on the judiciary, to whom was referred the bill to compel executors, administrators and guardians to make due returns of inventories and accounts, under certain penalties, made an adverse report thereon.

A message from the Senate, informing that they had passed the following engrossed bills, viz: A bill to continue for a longer time the Neuse Navigation Company; a bill to incorporate the Person Artillery; a bill to establish the Barshavia Farmers' Academy, in the county of Stokes, and to appoint and incorporate the trustees thereof; a bill making compensation to the Secretary of State for services required of him, by an act of the General Assembly of 1827, chapter 23 and for other purposes; a bill to allow the taking of depositions in cases of removal; and asking the concurrence of the House therein; the said bills were read the first time and passed.

A message from the Senate, agreeing to ballot immediately for trustees

of the University, and informing that Messrs. Lilley and Moore compose their balloting committee. Ordered, that Messrs. Baker and Smith form said committee on behalf of this House.

Received from His Excellency the Governor by his Private Secretary Mr. Hill, the following communication.

To the Honorable the General Assembly of the State of North Carolina:

Gentlemen,—I have received, and have the honor to transmit to you, the accompanying letter, from the Hon. J. J. Daniel, tendering his resignation of the office of Judge of the Superior Courts of Law and Equity.

I am, very respectfully, your ob'dt serv't.

D. L. SWAIN.

Executive Office, 2nd January, 1833.

The said resignation was read and accepted and sent to the Senate.

The resignation of John McCollum as colonel-commandant of the 54th regiment of militia was presented, read and accepted.

Mr. Davidson, from the select committee on the affairs of the Cherokee Indians, reported a bill concerning the Cherokee Territory, which was read the first time and passed. Mr. Edmonston on behalf of the minority of said committee presented a counter report, which was read and laid on the table.

Mr. Emmet presented a bill to incorporate the Trap Hill Riflemen, in the county of Wilkes, which was read the first and second times and passed.

The bill to restore to credit George B. Greer, of Buncombe county, was read, and, on motion of Mr. Edmonston, indefinitely postponed.

The bill to authorize the completion of the Tennessee river road, in the county of Macon and to incorporate a company for that purpose, was read the second time and passed.

The engrossed bill fixing a uniform time of holding the election in the third Congressional District of North Carolina, in all the counties therein, was read the second and third times, amended and passed. Ordered, that the concurrence of the Senate be asked in said amendments.

The House, on motion, resolved itself into a committee of the whole, Mr. Barringer in the Chair, on the engrossed resolutions declaring the attachment of the Legislature to the constitution of the United States, and after some time spent therein the Speaker resumed the Chair, and the Chairman in obedience to the order of the committee reported the same without amendment. The said resolutions were in the following words:

Resolved, That the General Assembly of the State of North Carolina doth entertain and doth unequivocally express a warm attachment to the Constitution of the United States.

2. *Resolved*, That the General Assembly doth solemnly declare a devoted attachment to the Federal Union, believing that on its continuance depend the liberty, the peace and prosperity of these States.

3. *Resolved*, That whatever diversity of opinion may prevail in this State, as to the constitutionality of the Acts of Congress, imposing duties on imports for protection, yet it is believed a large majority of the people think those acts unconstitutional; and they are united in the sentiment that the existing tariff is impolitic, unjust and oppressive; and they have urged, and will continue to urge its repeal.

4. *Resolved*, That the doctrine of Nullification avowed by State of South Carolina, and lately promulgated in an ordinance, is revolutionary in its character, subversive of the Constitution of the United States, and leads to a dissolution of the Union.

5. *Resolved*, That our Senators in Congress be instructed, and our Representatives be requested to use all constitutional means in their power to procure an adjustment of the existing controversy between the State of South Carolina and the General Government, and to produce a reconciliation between the contending parties.

6. *Resolved further*, That a copy of these resolutions be respectfully communicated by his Excellency the Governor of this State, to the President of the United States, the Governors of the several States, and to our Senators and Representatives in Congress.

Mr. Bragg moved to insert after the second resolution the following:

Resolved, That the only permanent basis on which the Union can be placed, exists in a strict confinement of the action of the General and State Governments to such objects as they are permitted by the Constitution to act upon.

The question thereon was determined in the negative.

Mr. S. T. Sawyer moved that the vote of the House be taken on each resolution separately; the question thereon was decided in the affirmative. On the adoption of the first named resolution Mr. S. T. Sawyer called for the yeas and nays, and upon calling the roll 123 members answered in the affirmative and none in the negative, the first resolution was unanimously adopted. The question on the adoption of the second resolution was decided in the affirmative. Mr. Bragg moved to strike out the third resolution and insert the following:

"That the present Tariff laws which have produced the alarming discontent now existing throughout the country, inasmuch as they are unequal and oppressive, and were enacted avowedly to protect, sustain and enrich one portion of the community at the expense of another, are unwarranted by the constitution and ought to be speedily repealed."

Mr. Sumner called for a division of the question; and the question to strike out the said third resolution was decided in the negative. Yeas 36. Nays 84. The yeas and nays called for by Mr. Potts.

Those who voted in the affirmative were, Messrs. Boddie, Bragg, Cansler, Clark, Courts, Craige, Cromwell, Daniel, Davidson, Faddis, Gary, Gee, Horton, Irvine, Judkins, Little, Long, Norman, Outlaw, O'Brien, Pierse, Potts, Roberts, F. A. Sawyer, S. T. Sawyer, Shepard, Simmons, Spruill, G. A. Thompson, L. Thompson, Waddell, Ward, Weaver, A. W. Wooten, Word, Ziglar.—36.

Those who voted in the negative were, Messrs. Abernathy, Allison, Arrington, Baker, Blowe, Brower, Beeman, Burgin, Burns, Carter, Cloman, Cunningham, Cuthbertson, Dockery, Eccles, Edmonston, Emmit, Enloe, Foscue, Gillespie, Glass, Grady, Graves, Gwynn, Hammond, Hardison, Harper, Hart, Hartley, Hill, Hinton, Hurst, Irion, Jarvis, J. B. Jones, R. Jones, Jordan, Laspeyre, Lee, Ledford, Locke, Loudermilk, Lyon, Mangum, Marsteller, Mask, Maulsby, Montgomery, Mullen, Murray, McCleese, McLaurin, McLeod, McMillan, McNeill, McQueen, Nelson, Park, Peeples, Pearson, Poindexter, Polk, Rand, Relife, Ridley, Settle, Sherwood, Skinner, Sloan, Smith, Stallings, Stephens, Sumner, Thomas, Tillett, Tunstall, Wadsworth, Watson, Welch, Whitaker, Willey, Wiseman, Witcher. C. Wooten.—84.

The third resolution was adopted by the House.

Mr. Polk moved to add after the word "Nullification," in the first line of the fourth resolution, the word "as." Mr. Bragg moved to amend the amendment, by striking out the fourth resolution and inserting the following: "That while we sensibly and acutely feel the burden that oppresses us, and sincerely sympathise with our sister State South Carolina, we cannot approve of her doctrine of Nullification as promulgated in her late Ordinance, believing it to be revolutionary in its tendency, and not considering existing grievances great, as they are, so intolerable, as to justify a resort to any extreme and extra constitutional remedy for relief." Mr. Burgin called for a division of the question; and the question being to strike out the said fourth resolution, was decided in the negative. Mr. Marsteller moved to add after the word "avowed" in said resolution, the words "and acted on." This question was decided in the negative. The question recurring, on the adoption of Mr. Polk's amendment, was decided in the affirmative. Mr. Clark moved that the said fourth resolution be postponed indefinitely and Mr. Poindexter called for the yeas and nays. Pending the question, Mr. Outlaw moved that the House adjourn until 8 o'clock P. M. and called for the yeas and nays. The question thereon was decided in the negative. Yeas 33. Nays 83.

Those who voted in the affirmative, were Messrs. Abernathy, Bragg, Clayton, Craige, Daniel, Davidson, Dewes, Dockery, Faddis, Gee, Guthrie, Irvine, Judkins, Long,

Loudermilk, Mangum, Montgomery, McLeod, Outlaw, Potts, Rand, Roberts, S. T. Sawyer, F. A. Sawyer, Spruill, Sumner, L. Thompson, Townsend, Waddell, Wadsworth, Ward, Watson, Ziglar.—33.

Those who voted in the negative, were Messrs. Allison, Arrington, Baker, Barringer, Blowe, Boddie, Brower, Burgin, Burns, Cansler, Carter, Clark, Cloman, Courts, Cromwell, Cunningham, Eccles, Edmonston, Enloe, Foscue, Gary, Gillespie, Glass, Grady, Graves, Gwynn, Hammond, Hardison, Harper, Hart, Hartley, Hill, Hinton, Horton, Hurst, Irion, Jarvis, J. B. Jones, R. Jones, Jordan, Lee, Ledford, Little, Locke, Lyon, Marsteller, Mask, Maultsby, Murray, McCleese, McLauain, McMillan, McNeill, Nelson, Norman, O'Brien, Peeples, Pearson, Pierse, Poindexter, Polk, Relfe, Ridley, Settle, Shepard, Sherwood, Simmons, Sloan, Smith, Stallings, Stephens, Thomas, G. A. Thompson, Tillett, Tunstall, Weaver, Welch, Whitaker, Willey, Wiseman, Witcher, A. W. Wooten, Word.—83.

Whereupon the House adjourned until to-morrow morning, 9 o'clock.

THURSDAY, JANUARY 3, 1833.

Mr. Gary, from the balloting committee for a judge of the superior courts, reported that no one had received a majority of the whole number of votes, and that there was no election; the report was concurred in. Mr. Dewes withdrew the name of Richmond Pearson and Mr. Gee added that of Gavin Hogg to the nomination, and, on motion of Mr. Edmonston, a message was sent to the Senate proposing another balloting immediately. A message from the Senate agreeing to this proposition, and informing that Messrs. Kerr and Howell form their balloting committee. Ordered, that Messrs. Cunningham and L. Thompson form the committee on behalf of this House.

Mr. Smith, from the balloting committee for three trustees of the University, reported that Daniel M. Barringer, Charles L. Hinton and Daniel W. Courts, had each received a majority of the whole number of votes and were duly elected; the report was concurred in.

On motion, leave of absence from the service of this House, was granted to Mr. Beeman after this day and to Mr. McQueen after to-morrow, for the residue of the session.

Mr. Eccles presented the following resolution, which was read the first time and passed.

Resolved, That John Lumsden be paid by the Public Treasurer the sum of twenty one dollars, being the allowance for his meilage and three days' service as Door-keeper of the House of Commons during the present session.

The resignation of Southern J. Higgs, as major of the southern regiment of Granville county militia, was presented, read and accepted

Mr. Ridley presented a bill to incorporate the Granville dragoons, which was read the first time and passed.

The bill to authorize Josiah O. Watson, or him and his associates to erect a dam across Neuse river, in Johnston county was read, and, on motion of Mr. Hinton, indefinitely postponed.

The bill to prevent the obstruction of fish passing up the Roanoke and Cashie rivers, was, on motion of Mr. L. Thompson, postponed indefinitely.

The bill directing the manner in which constables shall hereafter be elected in the county of Davidson, was read the second and third times, amended and passed and ordered to be engrossed.

The bill to authorize Israel Henry, of the county of Hyde, to retail spirituous liquors at public gatherings in said county, free of tax was read, and, on motion of Mr. Edmonston, indefinitely postponed.

The engrossed bill to regulate the courts of pleas and quarter sessions, of the county of Washington, was read the second and third time, amended and

passed Ordered, that the concurrence of the Senate be asked in the said amendment.

The engrossed bill to give longer time for paying in entry money, was read the third time, passed and ordered to be enrolled.

The bill to exempt certain hands from working on the Hickory Nut Gap road, in the county of Buncombe; and the bill to extend the provisions of an act, passed in the year 1830, chapter 113, entitled, an act to amend an act to establish and regulate a turnpike-road, in the county of Haywood, to be called the Tennessee river turnpike-road, passed A. D. 1826, chapter 36, were read the second and third times, passed and ordered to be engrossed.

The bill to incorporate the Trap Hill Riflemen, in the county of Wilkes; and the bill to authorise the completion of the Tennessee river road, in the county of Macon, and to incorporate a company for that purpose, were read the third time, passed, and ordered to be engrossed.

Mr. Cunningham, from the committee appointed to conduct the balloting for a judge of the superior courts, reported that no one had received a majority of the whole number of votes, and, that there was no election. The report was concurred in. A message from the Senate, proposing another balloting immediately for this officer, and informing that the name of Spencer O'Brien is withdrawn from the nomination. This proposition was agreed to, and Messrs. Polk and Laspeyre, appointed to conduct the balloting. A message from the Senate, informing that Messrs. Wilson and Askew, form said committee on the part of the Senate.

Mr. Barringer, from the committee on the judiciary, to whom was referred the bill to prevent the unlawful carrying away and removal of slaves from this State, reported the same with sundry amendments.

The bill to appoint commissioners, to run and establish the dividing line between the counties of Duplin and Wayne, was read the second time. Mr. Hurst offered the following as an additional section: "That it shall be the duty of the commissioners appointed agreeably to this act, to ascertain what point in the Sampson and Duplin line, is equally distant from the Court House of said counties, and also what point running north and south, with or from the Wayne and Lenoir line, is equi-distant between the two Court Houses, and that they be instructed to run a straight line from the two points." The said amendment was read and rejected. Mr. Cromwell moved that said bill be indefinitely postponed. The question thereon was decided in the negative and the bill passed its second reading.

A message from the Senate informing that they had rejected the engrossed resolution, in favor of the Onslow militia.

A message from the Senate concurring in the several amendments, made by this House, to the engrossed bill fixing a uniform time of holding the elections, in the third congressional district of North Carolina, in all the counties therein. Ordered that said bill be enrolled.

A message from the Senate, concurring in the amendment made by the House of Commons, to the engrossed resolution for the Attorney General. Ordered that said resolution be enrolled.

A message from the Senate informing that they had passed the engrossed bill to provide for the final settlement of executors and administrators, also the annual settlement of guardians, in the county of Anson, with sundry amendments, and asking the concurrence of the House therein. The several amendments were read and concurred in.

A message from the Senate, informing that they had passed the following engrossed bill and resolutions, viz: a bill to repeal part of an act, passed in 1824, entitled an act, to authorise the court of pleas and quarter sessions of Hyde and Tyrrell counties, to issue licences to retail spirituous liquors by the small measure at or near their Court House; and resolutions authorising repairs of the Secretary's office and Government House, and asking the concurrence of this House therein. The said bill and resolutions, were read the first time and passed.

Mr. Hill moved that the House now proceed to the orders of the day; this was agreed to; and the Speaker decided that the engrossed resolutions declaring the attachment of the Legislature, to the constitution of the United States had precedence in the orders of the day, being the unfinished business of yesterday; from this decision of the Chair, Mr. Craige appealed to the House, and the question, is the decision of the chair correct? was determined in the affirmative; Mr. S. T. Sawyer moved that the orders of the day be postponed; this question was decided in the negative; the question now recurring on Mr. Clark's motion of yesterday to postpone indefinitely the 4th resolution, was decided in the negative. Yeas 21. Nays 98.

Those who voted in the affirmative, were Messrs. Clark, Craige, Faddis, Gary, Gee, Guthrie, Irvine, Lancaster, Long, McCleese, McMillan, Norman, Outlaw, Pierce, S. T. Sawyer, F. A. Sawyer, Simmons, L. Thompson, Townsends, Tunstall, Waddell.—21.

Those who voted in the negative, were Messrs. Abernathy, Allison, Arrington, Baker, Barringer, Blowe, Boddie, Bragg, Brower, Burgin, Burns, Causler, Carter, Clayton, Cloman, Courts, Cunningham, Cuthbertson, Daniel, Davidson, Dockery, Doherty, Eccles, Edmonston, Enloe, Foscué, Gillespie, Glass, Grady, Graves, Gwynn, Hammond, Hardison, Harper, Hart, Hartley, Hill, Hinton, Horton, Hurst, Irion, Jarvis, J. B. Jones, R. Jones, Jordan, Judkins, Laspeyre, Lee, Ledford, Little, Locke, Loudermilk, Lyon, Mangum, Marsteller, Maultsby, Montgomery, Mullen, Murray, McLaurin, McLeod, McNeill, Nelson, O'Brien, Park, Peeples, Pearson, Poindexter, Polk, Potts, Rand, Relfe, Ridley, Roberts, Settle, Shepard, Sherwood, Skinner, Sloan, Smith, Spruill, Stallings, Stephens, Sumner, Thomas, G. A. Thompson, Tillett, Wadsworth, Ward, Watson, Weaver, Welch, Whitaker, Wiseman, Witcher, A. W. Wooten, Word, Ziglar.—98.

Mr. O'Brien, moved to strike out the said resolution and insert the following, viz:

"That to the doctrine of Nullification as avowed in the Ordinance of the Convention of the State of South Carolina, in the opinion of this Legislature, the people of this sovereign State are not now disposed to give their assent."

Mr. Marsteller called for a division of the question: and the question being to strike out the said 4th resolution, it was decided in the negative. Yeas 30. Nays 90. The yeas and nays demanded by Mr. S. T. Sawyer.

Those who voted in the affirmative were, Messrs. Clark, Craige, Dewes, Faddis, Gary, Gee, Guthrie, Irvine, Lancaster, Long, McCleese, McMillan, Norman, Outlaw, O'Brien, Parke, Pierce, S. T. Sawyer, F. A. Sawyer, Simmons, Sumner, G. A. Thompson, L. Thompson, Townsends, Tunstall, Waddell; Ward, Whitaker, Word, Ziglar.—30.

Those who voted in the negative were, Messrs. Abernathy, Allison, Arrington, Baker, Barringer, Blowe, Boddie, Bragg, Brower, Burgin, Burns, Causler, Carter, Cloman, Courts, Cromwell, Cunningham, Cuthbertson, Daniel, Davidson, Dockery, Doherty, Eccles, Edmonston, Enloe, Foscué, Gillespie, Glass, Grady, Graves, Gwynn, Hammond, Hardison, Harper, Hart, Hartley, Hill, Horton, Hurst, Irion, Jarvis, J. B. Jones, R. Jones, Jordan, Judkins, Laspeyre, Lee, Ledford, Little, Locke, Loudermilk, Lyon, Mangum, Marsteller, Maultsby, Montgomery, Murray, McLaurin, McLeod, McNeill, Nelson, Peeples, Pearson, Poindexter, Polk, Potts, Rand, Relfe, Ridley, Roberts, Settle, Shepard, Sherwood, Skinner, Sloan, Smith, Spruill, Stallings, Stephens, Thomas, Tillett, Wadsworth, Watson, Weaver, Welch, Willey, Wiseman, Witcher, A. W. Wooten,—90.

Mr. Outlaw, moved to strike out the said 4th resolution, and to insert the following, viz:

"That this General Assembly in the spirit of friendship for her suffering and oppression, doth respectfully request our sister State South Carolina, to suspend her ordinance at least, until September next."

The question thereon was decided in the negative, and the said 4th resolution as amended was adopted. Yeas 98. Nays 22. The yeas and nays demanded by Mr. Wiseman.

Those who voted in the affirmative, were Messrs. Abernathy, Allison, Arrington, Baker, Barringer, Blowe, Boddie, Bragg, Brower, Burgin, Burns, Cansler, Carter, Clayton, Cloman, Courts, Cromwell, Cunningham, Cuthbertson, Daniel, Davidson, Dockery, Doherty, Eccles, Edmonston, Enloe, Foscue, Gillespie, Glass, Grady, Graves, Gwynn, Hammond, Hardison, Harper, Hart, Hartley, Hill, Hinton, Horton, Hurst, Irion, Jarvis, J. B. Jones R. Jones, Jordan, Judkins, Laspeyre, Lee, Ledford, Little, Locke, Loudermilk, Lyon, Mangum, Marsteller, Maulsby, Montgomery, Murray, McCleese, McLaurin, McLeod, Ian, McNeill, Nelson, Park, Peebles, Pearson, Poindexter, Polk, Potts, Rand, Relfe, Ridley, Roberts, Settle, Shepard, Sherwood, Skinner, Sloan, Smith, Spruill, Stallings, Stephens, Sumner, Thomas, G. A. Thompson, Tillett, Wadsworth, Ward, Watson, Weaver, Welch, Willey, Wiseman, Witcher, A. W. Wooten, Word, Ziglar.—98.

Those who voted in the negative, were Messrs. Clark, Craigie, Dewes, Faddis, Gee, Guthrie, Irvine, Lancaster, Long, McMillan, Norman, Outlaw, O'Brien, Pierce, S. T. Sawyer, F. A. Sawyer, Simmons, L. Thompson, Townsend, Tunstall, Waddell, Whitaker.—22.

Mr. Mangum, moved to strike out the word "an" before the word "adjustment" in the 5th resolution, and insert the words "a peaceable." The question on this amendment, was decided in the negative Yeas 53. Nays 64. The yeas and nays demanded by Mr. Outlaw.

Those who voted in the affirmative, were Messrs. Abernathy, Allison, Boddie, Bragg, Brower, Cansler, Courts, Cunningham, Cuthbertson, Daniel, Foscue, Gary, Gee, Grady, Graves, Guthrie, Gwynn, Harper, Hinton, Horton, Irion, Jarvis, R. Jones, Judkins, Ledford, Long, Mangum, McLaurin, McMillan, Outlaw, O'Brien, Peebles, Pierce, Poindexter, Relfe, Ridley, S. T. Sawyer, F. A. Sawyer, Settle, Shepard, Simmons, Stallings, Sumner, Thomas, G. A. Thompson, L. Thompson, Townsend, Waddell, Ward, Whitaker, Willey, Witcher, Word.—53.

Those who voted in the negative were, Messrs. Arrington, Baker, Barringer, Blowe, Burgin, Burns, Carter, Clark, Clayton, Cloman, Cromwell, Davidson, Dockery, Doherty, Eccles, Edmonston, Enloe, Glass, Hammond, Hardison, Hart, Hartley, Hill, Hurst, Irvine, J. B. Jones, Jordan, Lancaster, Laspeyre, Lee, Little, Locke, Loudermilk, Lyon, Marsteller, Maulsby, Montgomery, Murray, McCleese, McLeod, McNeill, Nelson, Norman, Park, Pearson, Polk, Potts, Rand, Roberts, Sherwood, Skinner, Sloan, Smith, Spruill, Stephens, Tillett, Tunstall, Wadsworth, Watson, Weaver, Welch, Wiseman, A. W. Wooten, Ziglar.—64.

Mr. J. B. Jones, now moved that the House do re-consider the vote just taken; this was agreed to, and the question on the adoption of the amendment proposed by Mr. Mangum was decided in the affirmative. The question on the adoption of the 5th resolution as amended, was decided in the affirmative.—Yeas 111. Nays 1. The yeas and nays called for by Mr. Guthrie.

Those who voted in the affirmative, were Messrs. Abernathy, Allison, Baker, Barringer, Blowe, Boddie, Bragg, Brower, Burgin, Burns, Cansler, Carter, Clayton, Cloman, Courts, Cromwell, Cunningham, Cuthbertson, Daniel, Davidson, Dockery, Doherty, Eccles, Edmonston, Enloe, Foscue, Gee, Glass, Graves, Guthrie, Gwynn, Hammond, Hardison, Harper, Hart, Hartley, Hill, Hinton, Horton, Hurst, Irion, Jarvis, Jordan, Judkins, J. B. Jones, R. Jones, Laspeyre, Lee, Ledford, Little, Locke, Long, Loudermilk, Lyon, Mangum, Marsteller, Maulsby, Montgomery, Murray, McCleese, McLaurin, McLeod, McMillan, McNeill, Nelson, Outlaw, O'Brien, Park, Peebles, Pearson, Pierce, Poindexter, Potts, Rand, Relfe, Ridley, Roberts, S. T. Sawyer, F. A. Sawyer, Settle, Shepard, Sherwood, Simmons, Skinner, Sloan, Smith, Spruill, Stallings, Stephens, Sumner, Thomas, G. A. Thompson, L. Thompson, Tillett, Townsend, Tunstall, Waddell, Wadsworth, Ward, Watson, Weaver, Welch, Whitaker, Willey, Wiseman, Witcher, A. W. Wooten, Word, Ziglar.—111.

Mr. Clark alone voted in the negative.

Mr. Townsend, moved to insert after the 5th the following resolution; "that this Legislature doth most solemnly protest against the use of force by the General Government, against the State of South Carolina." This resolution was re-

jected. Yeas 18. Nays 82. The yeas and nays demanded by Mr. S. T. Sawyer.

Those who voted in the affirmative were, Messrs. Baker, Clark, Craige, Long, Outlaw, O'Brien, Pierse, S. T. Sawyer, F. A. Sawyer, Spruill, L. Thompson, Townsend, Tunstall, Waddell, Ward, Whitaker, Word, Ziglar.—18.

Those who voted in the negative, were Messrs. Abernathy, Allison, Arrington, Barringer, Blowe, Boddie, Bragg, Brower, Burgin, Burns, Cansler, Carter, Clayton, Cloman, Courts, Cromwell, Cunningham, Davidson, Dockery, Doherty, Eccles, Edmonston, Enloe, Foscue, Gee, Glass, Graves, Guthrie, Gwynn, Hammond, Hardison, Harper, Hill, Hinton, Horton, Hurst, Jarvis, J. B. Jones, R. Jones, Jordan, Judkins, Laspeyre, Lee, Ledford, Little, Locke, Loudermilk, Lyon, Mangum, Marsteller, Maulsby, Montgomery, Murray, McCleese, McLaurin, McLeod, McMillan, McNeill, Nelson, Park, Peeples, Poindexter, Potts, Rand, Relfe, Ridley, Roberts, Settle, Sherwood, Skinner, Sloan, Smith, Stallings, Stephens, Thomas, G. A. Thompson, Tillett, Watson, Weaver, Welch, Witcher, A. W. Wooten.—82.

The 6th and last resolution, was read and adopted. Ordered that the concurrence of the Senate, be asked in the aforesaid amendments.

The House then adjourned until to-morrow morning, 9 o'clock.

FRIDAY, JANUARY 4, 1833.

Mr. Polk, from the committee appointed to conduct the balloting for a judge of the superior courts, reported that no one had received a majority of the whole number of votes, and that there was no election. The report was concurred in.

Received from the Senate, a message proposing another balloting immediately, for a judge of the superior courts. The proposition was agreed to, the name of John D. Eccles was by Mr. Waddell withdrawn from the nomination, and Messrs. Park and Hinton appointed to conduct the balloting; a message from the Senate informing that Messrs. Allison and Ray, are appointed said committee on their part.

Mr. Potts presented the following resolution.

Resolved, That this Legislature views with anxious solicitude, the present alarming crisis in our affairs, and confidently relying upon the returning justice of Congress for relief, from the burdens of partial and oppressive taxation, deprecates the resort to force, either by the General Government, or the State of South Carolina."

The said resolution was read, and, on motion of Mr. Cansler laid on the table.

A message from the Senate, informing that they had passed the engrossed bill, to amend the laws relative to the county courts of Iredell, with an amendment, and asking the concurrence of this House. The said amendment was read and concurred in.

Mr. Polk presented the following resolution:

Resolved, That a message be sent to the Senate proposing to rescind the resolution of the two Houses agreeing to adjourn *sine die* on Saturday next.

The question on the adoption of this resolution, was decided in the affirmative. Yeas 70. Nays 43. The yeas and nays demanded by Mr. L. Thompson.

Those who voted in the affirmative, were Messrs. Allison, Arrington, Barringer, Bragg, Brower, Burgin, Courts, Craige, Cunningham, Cuthbertson, Daniel, Davidson, Dewes, Dockery, Eccles, Edmonston, Emmitt, Gee, Gillespie, Grady, Graves, Guthrie, Harper, Harrison, Hart, Hartley, Horton, Irion, Irvine, R. Jones, Judkins, Lancaster, Lee, Ledford, Locke, Long, Lyon, Mangum, Mask, Montgomery, McLeod, McMillan, McNeill, Nelson, Outlaw, O'Brien, Pearson, Pierse, Poindexter, Polk, Ridley, Saintclair, Settle, Smith, Spruill, Stallings, Sumner, G. A. Thompson, Townsend, Waddell, Wadsworth, Ward, Watson, Whitaker, Wiseman, Witcher, Word, Ziglar.—70.

Those who voted in the negative, were Messrs. Abernathy, Adams, Baker, Blowe, Boddie, Cansler, Carter, Cloman, Cromwell, Foscue, Gary, Glass, Gwynn, Hammond, Hurst, J. B. Jones, Jordan, Little, Loudermilk, Marsteller, Maulsby, Mullen, McCleese, McLaurin, Norman, Peeples, Potts, Relfe, S. T. Sawyer, F. A. Sawyer, Shepard, Sherwood,

Simmons, Sloan, Stephens, Thomas, L. Thompson, Tillett, Tunstall, Weaver, Welch, Willey, A. W. Wooten. —13.

A message from the Senate, informing that they had passed the engrossed bill and resolution following, viz: A bill to amend an act, passed at the last session of the General Assembly of North Carolina, entitled, an act to authorize the building of a toll-bridge over Roanoke river, at the town of Weldon, and to incorporate a company for that purpose; and a resolution in favor of the Door-keepers; and asking the concurrence of this House. The said bill and resolution were read the first time and passed.

Mr. Hinton, from the committee appointed to conduct the balloting for a judge of the superior courts of law and equity, reported that Henry Seawell had received a majority of the whole number of votes and was duly elected; the report was concurred in.

Mr. Pierse presented a bill, providing for the encouragement of education, which was read the first, second and third times and ordered to be engrossed.

Mr. Shepard, from the committee on private bills, to whom was referred the bill farther to improve the police of the town of Washington, and the bill concerning the inspection of wood, in the town of Wilmington, reported the same without amendment and prayed that the committee be discharged from the consideration of further subjects for the residue of the session. Ordered, that the said committee be discharged accordingly.

The engrossed bill to empower the county court of Nash to borrow money for the purpose of defraying the expense of building a fire-proof Court House; the engrossed bill to establish the Barshavia Farmers' Academy, in the county of Stokes, and to appoint and incorporate the trustees thereof; and the engrossed bill to incorporate the Cabarrus artillery, were severally read the second and third times, passed and ordered to be enrolled.

The engrossed bill to authorize the issuing of a grant for land to Amos Curtis and others for a camp ground, was read the second time, amended and passed. Mr. Edmonston moved that the bill be now read a third time; this was agreed to and the bill read the third time and passed. Yeas 65. Nays 38. The yeas and nays demanded by Mr. Little.

Those who voted in the affirmative, were Messrs. Abernathy, Allison, Barringer, Blowe, Brower, Burgin, Cansler, Carter, Clayton, Courts, Cunningham, Cuthbertson, Edmondston, Emmit, Enloe, Faddis, Gary, Gee, Gillespie, Glass, Grady, Guthrie, Hardison, Harper, Hart, Horton, Hurst, Irion, J. B. Jones, R. Jones, Judkins, Ledford, Locke, Long, Loudermilk, Lyon, Mangum, Mask, Maultsby, Mullen, Murray, McMillan, McNeill, Nelson, Peindexter, Polk, Ridley, Saintclair, Shepard, Skinner, Smith, Sumner, Thomas, G. A. Thompson, Tillett, Tunstall, Wadsworth, Ward, Watson, Weaver, Whitaker, Willey, Wiseman, Witcher, Word. —65.

Those who voted in the negative, were Messrs. Adams, Arrington, Baker, Boddie, Bragg, Clark, Cloman, Cromwell, Daniel, Foseue, Graves, Gwynn, Hammond, Jarvis, Jordan, Lancaster, Laspeyre, Lee, Little, Marsteller, Montgomery, McCleese, McLaurin, McLeod, Norman, Outlaw, Rand, Roberts, S. T. Sawyer, F. A. Sawyer, Sloan, Stallings, Stephens, L. Thompson, Townsend, Welch, A. W. Wooten, Ziglar. —38.

Ordered, that the concurrence of the Senate be asked in the amendment heretofore made.

The bill to establish a Bank, by the name and style of the Planter's Bank of North Carolina, was read the second time. Mr. Norman moved that said bill be postponed indefinitely. The question thereon was decided in the negative. Yeas 43. Nays 46. The yeas and nays demanded by Mr. Edmonston.

Those who voted in the affirmative, were Messrs. Adams, Allison, Blowe, Boddie, Clark, Cloman, Cromwell, Daniel, Dockery, Faddis, Foseue, Hardison, Harper, Horton, J. B. Jones, R. Jones, Judkins, Lancaster, Little, Loudermilk, Lyon, Mangum, Marsteller, Montgomery, Mullen, Norman, Peeples, Potts, Relfe, Roberts, Simmons, Sloan,

Stallings, Stephens, Thomas, Tillett, Tunstall, Watson, Weaver, Willey, Witcher, Word, Ziglar.—43.

Those who voted in the negative, were, Messrs. Abernathy, Barringer, Brower, Burgin, Cansler, Carter, Courts, Craigé, Cunningham, Cuthbertson, Doherty, Edmondston, Enloe, Gary, Gillespie, Glass, Graves, Gwynn, Hart, Hinton, Irion, Irvine, Locke, Murray, McLaurin, McLeod, McNeill, Nelson, Outlaw, O'Brien, Pearson, Pierse, Polk, Rand, Ridley, Saintclair, F. A. Sawyer, Settle, Shepard, Skinner, Sumner, G. A. Thompson, L. Thompson, Townsend, Wiseman, A. Wooten.—46.

The said bill was amended on motion of Mr. Polk, and the question shall the said bill pass its second reading? was determined in the negative. Yeas 53. Nays 55. The yeas and nays demanded by Mr. Allison.

Those who voted in the affirmative were, Messrs. Abernathy, Arrington, Barringer, Brower, Burgin, Cansler, Carter, Clayton, Courts, Craige, Cuhningham, Cuthbertson, Davidson, Dewes, Doherty, Edmonston, Ehloe, Gillespie, Glass, Grady, Graves, Gwynn, Hardison, Hart, Hartley, Hinton, Jarvis, Laspeyre, Locke, Murray, McLaurin, McLeod, McNeill, Nelson, Outlaw, O'Brien, Park, Pearson, Pierse, Poindexter, Polk, Rand, S. T. Sawyer, Shepard, Skinner, Sumner, G. A. Thompson, Townsend, Waddell, Ward, Whitaker, Wiseman, A. W. Wooten.—53.

Those who voted in the negative were, Messrs. Adams, Allison, Blowe, Boddie, Cloman, Cromwell, Daniel, Eccles, Faddis, Foscue, Gary, Gee, Guthrie, Hammond, Harper, Horton, Hurst, Irion, J. B. Jones, R. Jones, Jordan, Judkins, Lancaster, Lee, Ledford, Little, Londermilk, Lyon, Mangum, Marsteller, Maulsby, Montgomery, Mullen, McCleese, McMillan, Norman, Peebles, Relfe, Ridley, Settle, Simmons, Sloan, Smith, Stallings, Stephens, Thomas, Tillett, Tunstall, Wadsworth, Watson, Weaver, Willey, Witcher, Word, Ziglar.—55.

A message from the Senate, agreeing to the proposition of this House, that the resolution adopted by both Houses, during the past week, to adjourn this session of the General Assembly, on Saturday the fifth instant be rescinded.

Mr. Park submitted the following resolutions, viz:

Resolved, That equality of representation is essential to the existence of a truly republican government. That there is gross inconsistency in professing to admire and sustain a system, while we practically withhold from its main and essential properties.

That the ratio of representation in the Legislative body of North Carolina, is palpably unequal and consequently unjust. That the interest of any fraction of a community should be overlooked when it conflicts with that of the whole body. That experience hath shewn that no State can attain to any great degree of general prosperity without having within her borders, one or more large and flourishing towns. That in the present languishing condition of North Carolina, it behoves her citizens of all classes to unite their energies, in endeavouring to rear within her limits, a large and flourishing commercial town.

That the location of the Seat of Government at some convenient and proper place would be highly conducive to this great end. That the election of chief magistrate of this State, ought of right, to be made by the direct votes of the people, and that he should be elected for a longer term than one year. That to correct these evils and bring about these advantageous results, a convention of the people is absolutely necessary. And it is therefore recommended to the people at the next annual elections, to determine by ballot whether or not a convention shall be held to consider of and determine upon these highly interesting subjects.

Mr. Townsend moved that the foregoing resolutions lie on the table. Mr. Park called for the yeas and nay, and the vote was, Yeas 58. Nays 58.

Those who voted in the affirmative were, Messrs. Adams, Arrington, Baker, Blowe, Boddie, Bragg, Carter, Cloman, Cromwell, Daniel, Gary, Gee, Gillespie, Grady, Hardison, Harper, Hartley, Hill, Hurst, Jarvis, J. B. Jones, R. Jones, Jordan, Judkins, Lancaster, Laspeyre, Lee, Little, Long, Mullen, Murray, McCleese, McLeod, McMillan, Nelson, Norman, O'Brien, Pierse, Potts, Relfe, Roberts, F. A. Sawyer, Shepard, Skinner, Sloan, Spruill, Stallings, Stephens, Sumner, G. A. Thompson, Townsend, Tunstall, Waddell, Ward, Welch, Willey, A. W. Wooten, Word.—58.

Those who voted in the negative were, Messrs. Abernathy, Allison, Barringer, Brower, Burgin, Burns, Cansler, Clayton, Courts, Cunningham, Cuthbertson, Dockery, Eccles, Edmondston, Emmitt, Enloe, Faddis, Foscue, Glass, Graves, Guthrie, Hammond, Hart,

Tolan, Irvine, Ledford, Locke, Loudermilk, Lyon, Mangum, Marsteller, Mask, Maulsby, Montgomery, McLaurin, McNeill, Outlaw, Park, Peeples, Poindexter, Polk, Rand, Ridley, Saintclair, S. T. Sawyer, Settle, Sherwood, Simmons, Smith, Thomas, L. Thompson, Tillett, Wadsworth, Weaver, Whitaker, Wiseman, Witcher, Ziglar.—58.

The House being thus equally divided, the Speaker voted in the affirmative, and the resolutions were accordingly laid on the table.

On motion, leave of absence was granted to Messrs. Sherwood and Sloan from and after to-morrow, and to Mr. J. B. Jones from and after Monday next, for the residue of the Session.

A message from the Senate, informing that they adhere to their amendments, to the engrossed bill, entitled a bill to amend an act passed in the year 1824, entitled an act to amend an act passed in the year 1819, entitled an act to appoint a board of Branch Pilots to examine all persons who now have, or may hereafter wish to obtain, a branch to pilot on Occracock Bar and its Swashes. Ordered on motion of Mr. Burns, that the said message lie on the table.

The bill to establish the State Bank of North Carolina, was read. Mr. Settle moved that the further consideration thereof be indefinitely postponed. The question thereon was decided in the negative. Yeas 41. Nays 72.—The yeas and nays demanded by Mr. McCleese.

Those who voted in the affirmative were, Messrs. Allison, Blowe, Bragg, Carter, Cloman, Daniel, Eccles, Faddis, Foscue, Gee, Hammond, Horton, Hurst, Irion, J. B. Jones, Jordan, Judkins, Lancaster, Lee, Little, Lyon, Mangum, Maulsby, Montgomery, McCleese, McMillan, Norman, Pierse, Potts, Relfe, Settle, Simmons, Stallings, Stephens, Thomas, Tillett, Wadsworth, Weaver, Witcher, Word, Ziglar.—41.

Those who voted in the negative were, Messrs. Abernathy, Adams, Arrington, Baker, Barringer, Boddie, Brower, Burgin, Canster, Clark, Clayton, Courts, Craige, Cromwell, Cunningham, Davidson, Dewes, Doherty, Edmondston, Enloe, Gary, Gillespie, Glass, Grady, Graves, Guthrie, Gwynn, Hardison, Harper, Hart, Hartley, Hinton, Irvine, Jarvis, R. Jones, Laspeyre, Ledford, Locke, Loudermilk, Mask, Murray, McLaurin, McLeod, McNeill, Nelson, Outlaw, O'Brien, Park, Peeples, Pearson, Poindexter, Polk, Rand, Ridley, S. T. Sawyer, F. A. Sawyer, Shepard, Sherwood, Skinner, Sloan, Smith, Sumner, G. A. Thompson, L. Thompson, Townsend, Tunstall, Waddell, Ward, Whitaker, Willey, Wiseman, A. W. Wooten.—72.

The said bill was amended and passed its second reading. Yeas 64. Nays 43. The yeas and nays demanded by Mr. McCleese.

Those who voted in the affirmative, were Messrs. Abernathy, Adams, Arrington, Barringer, Boddie, Brower, Burgin, Canster, Clark, Clayton, Courts, Craige, Cunningham, Cuthbertson, Davidson, Dewes, Dockery, Doherty, Edmondston, Enloe, Gillespie, Glass, Grady, Graves, Guthrie, Gwynn, Hardison, Hart, Hartley, Hinton, Irvine, J. B. Jones, R. Jones, Ledford, Locke, Loudermilk, Mask, McLaurin, McLeod, McNeill, Nelson, Outlaw, O'Brien, Park, Pearson, Poindexter, Polk, Rand, Ridley, S. T. Sawyer, F. A. Sawyer, Shepard, Simmons, Skinner, Sloan, Sumner, G. A. Thompson, Townsend, Waddell, Ward, Whitaker, Willey, Wiseman, A. W. Wooten.—64.

Those who voted in the negative, were Messrs. Allison, Bragg, Blowe, Carter, Cloman, Cromwell, Daniel, Faddis, Foscue, Gary, Gee, Hammond, Harper, Horton, Irion, Jordan, Judkins, Lancaster, Lee, Little, Lyon, Mangum, Maulsby, Montgomery, McCleese, McMillan, Norman, Peeples, Pierse, Potts, Relfe, Roberts, Settle, Stallings, Stephens, Thomas, Tillett, Tunstall, Wadsworth, Watson, Witcher, Word, Ziglar.—43.

Mr. Bragg asked and obtained leave to withdraw the bill, heretofore introduced by him, entitled, a bill to amend an act, passed in the year 1818, concerning the supreme court.

The House then adjourned until to-morrow morning, 9 o'clock.

SATURDAY, JANUARY 5, 1833.

On motion, leave of absence from the service of this House from and after this day, was granted to Mr. Hammond.

On motion of Mr. G. A. Thompson, ordered, that a message be sent to the Senate, proposing that the Houses ballot immediately for a major of cavalry, of the third brigade, and nominating for the appointment Joseph D. Ward.

A message from the Senate concurring in the amendments made by the House of Commons to the engrossed resolutions, declaring the attachment of the Legislature to the constitution of the United States.

A message from the Senate, concurring also in the amendments made by the House of Commons to the engrossed bill, to regulate the courts of pleas and quarter sessions, of the county of Washington. Ordered, that the said resolutions and bill be enrolled.

Mr. Guthrie moved that the House do now take up for consideration, the resolution in favor of Thomas Ragland, of Chatham county; the motion prevailed and the said resolution was read the second time and rejected. Yeas 12. Nays 91. The yeas and nays demanded by Mr. Wiseman.

Those who voted in the affirmative, were Messrs. Clark, Davidson, Faddis, Guthrie, McNeill, McQueen, Outlaw, Sumner, Townsend, Waddell, Wadsworth, Weaver,—12.

Those who voted in the negative, were Messrs. Abernathy, Adams, Allison, Arrington, Baker, Blowe, Boddie, Bragg, Brower, Cansler, Carter, Clayton, Cloman, Courts, Cromwell, Cunningham Cuthbertson, Doherty, Eccles, Edmondston, Emmet, Enloe, Foscoe, Gary, Gee, Gillespie, Glass, Grady, Graves, Gwynn, Hardison, Harper, Hart, Hartley, Hinton, Hurst, Jarvis, J. B. Jones, R. Jones, Jordan, Judkins, Lancaster, Lee, Ledford, Little, Locke, Loudermilk, Lyon, Mangum, Marsteller, Mask, Maulsby, Montgomery, Mullen, Murray, McCleese, McLaurin, McLeod, McMillan, Nelson, Norman, O'Brien, Park, Peoples, Pearson, Poindexter, Potts, Rand, Relfe, Ridley, S. T. Sawyer, Settle, Shepard, Simmons, Skinner, Smith, Spruill, Stallings, Stephens, Thomas, G. A. Thompson, Tillett, Tunstall, Ury, Watson, Willey, Wiseman, Witcher, A. W. Wooten, Word, Ziglar.—91.

A message from the Senate, agreeing to ballot immediately for a major of cavalry, of the third brigade, and informing that Messrs. Melvin and Cowper form the balloting committee on their part. Ordered, that Messrs. Loudermilk and Lee superintend said balloting on the part of the Commons.

A message from the Senate, informing that they had passed the engrossed bill to incorporate the Trap Hill Riflemen, in the county of Wilkes, with an amendment, and asking the concurrence of this House; the said amendment was read and concurred in.

The engrossed bill to incorporate the Williamston and Windsor Turnpike Company, was read the second time, amended and passed.

The bill to establish the Bank of North Carolina, was read the third time and its title and corporate name amended, on motion of Mr. Hinton. The bill was further amended, on motion of Mr. Courts, by adding the following section: "That if any person or persons holding any note or notes of said bank, shall present the same for payment at the principal bank or either of its branches or agencies, where such note or notes are payable and the payment shall be refused, the said note or notes shall draw interest at the rate of twelve per cent. per annum, from the time of said demand, and the said bank shall pay the same, any law to the contrary notwithstanding." On motion of Mr. Eccles, the bill was further amended, by striking out after the word "business," in the ninth section, the following words: "And such as shall have been *bona fide* conveyed to it by way of security, or in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts." The said bill, after undergoing other verbal amendments, passed the third reading and was ordered to be engrossed. Yeas 75. Nays 41. The yeas and nays demanded by Mr. Allison.

Those who voted in the affirmative were, Messrs. Abernathy, Adams, Arrington,

Baker, Barringer, Boddie, Brower, Burgin, Cansler, Carter, Clark, Clayton, Cloman, Courts, Craige, Cunningham, Cuthbertson, Davidson, Dewes, Dockery, Doherty, Edmonston, Enloe, Gillespie, Glass, Grady, Graves, Guthrie, Gwynn, Hardison, Hart, Hartley, Hill, Hinton, Irvine, Jarvis, J. B. Jones, R. Jones, Jordan, Laspeyre, Locke, Long, Loudermilk, Mask, Mullen, Murray, McLaurin, McLeod, McNeill, McQueen, Nelson, O'Brien, Park, Pearson, Poindexter, Polk, Rand, Ridley, Roberts, S. T. Sawyer, F. A. Sawyer, Shepard, Simmons, Skinner, Sumner, G. A. Thompson, L. Thompson, Townsend, Ury, Waddell, Ward, Whitaker, Willey, Wiseman, A. W. Wooten.—75.

Those who voted in the negative, were Messrs. Allison, Blowe, Cromwell, Eccles, Emmitt, Faddis, Foscue, Gary, Gee, Harper, Horton, Irion, Judkins, Lancaster, Ledford, Little, Lyon, Mangum, Maulsby, Montgomery, McCleese, McMillan, Norman, Outlaw, Peeples, Pierce, Potts, Relfe, Settle, Smith, Spruill, Stallings, Stephens, Thomas, Tillet, Tunstall, Wadsworth, Weaver, Witcher, Word, Ziglar.—41.

A message from the Senate, concurring in the amendments proposed by this House to the engrossed bill, to authorize the issuing of a grant for land to Amos Curtis and others, for a camp ground. Ordered, that said bill be enrolled.

Mr. Lee, from the balloting committee for a major of cavalry, of the third brigade, reported that Joseph D. Ward had received a majority of the whole number of votes and was duly elected; the report was concurred in.

The bill concerning the board of internal improvements; the bill for the better organization of the militia of this State; the bill to empower the courts of pleas and quarter sessions of the several counties within this State, to authorize the erection of Gates across public roads, within their respective counties; the resolution in favor of James Graham; and the resolution in favor of Joseph Gales, commissioner, &c. &c. were severally read the third time, passed and ordered to be engrossed.

On motion, leave of absence from the service of the House from and after this day, was granted to Mr. Burns.

Mr. Rand presented a resolution in favor of Richard Roberts, which was read the first time and passed.

The bill to render the land of a deceased debtor liable for the costs, where the plea of fully administered has been found in favor of his executor or administrator; the resolution in favor of Elizabeth Forbis; the resolution in favor of Isaac Alexander; and the resolution in favor of Fielding Slater, sheriff of Rowan county, were read the second and third times, passed and ordered to be engrossed.

The engrossed bill to amend an act, passed in the year 1831, entitled, an act to increase the liability of sheriffs, and to provide more effectually for the collection of taxes, was read the third time, passed and ordered to be enrolled.

The bill to establish the Merchants' Bank, in the town of Newbern, was read the third time, passed and ordered to be engrossed. Yeas 53. Nays 43. The yeas and nays demanded by Mr. Allison.

Those who voted in the affirmative, were Messrs. Abernathy, Barringer, Blowe, Burgin, Carter, Clarke, Craige, Cunningham, Davidson, Eccles, Edmonston, Gillespie, Glass, Grady, Graves, Gwynn, Hardison, Hart, Hartley, Hill, Hinton, Irvine, Jarvis, J. B. Jones, Jordan, Long, Loudermilk, Murray, McLaurin, McLeod, McQueen, Nelson, Park, Pearson, Polk, Rand, Relfe, Ridley, Roberts, S. T. Sawyer, F. A. Sawyer, Shepard, Skinner, Smith, Spruill, Sumner, G. A. Thompson, L. Thompson, Ury, Waddell, Ward, Whitaker, A. W. Wooten.—53.

Those who voted in the negative, were Messrs. Allison, Arrington, Boddie, Bragg, Brower, Cloman, Courts, Cromwell, Daniel, Dockery, Emmitt, Faddis, Gee, Guthrie, Harper, Irion, R. Jones, Judkins, Lee, Ledford, Little, Lyon, Mangum, Maulsby, Montgomery, Norman, Peeples, Pierce, Poindexter, Potts, Settle, Stallings, Stephens, Thomas, Tillet, Townsend, Wadsworth, Watson, Weaver, Willey, Witcher, Word, Ziglar.—43.

A message from the Senate, informing that they had passed the engrossed Bill, directing the manner in which constables shall hereafter be elected, in

the counties of Davidson, Buncombe and Chatham, with an amendment and asking the concurrence of this House; the said message was, on motion of Mr. Barringer, laid on the table.

The bill to prevent protracted litigation, by enlarging the jurisdiction of justices of the peace out of court, was, on motion of Mr. S. T. Sawyer, postponed indefinitely.

The bill to exempt teachers and students of Literary schools from militia duty, was read the second time and rejected.

The bill requiring warrants issued by justices of the peace in civil cases, to be returned in the district in which the defendant may reside, was read, and, on motion of Mr. Ziglar indefinitely postponed.

The bill to alter the mode of appointing certain general and field officers of the militia, of the State of North Carolina, was read and on motion of Mr. G. A. Thompson, indefinitely postponed.

The bill to repeal an act passed in the year 1818, Chapter 970, entitled an act fixing the sum hereafter to be paid to the State for vacant lands was read. Mr. Marsteller moved that the said bill be indefinitely postponed. The question thereon was decided in the negative. Yeas 44. Nays 53. The yeas and nays demanded by Mr. Edmonston.

Those who voted in the affirmative, were Messrs. Allison, Blowe, Boddie, Bragg, Brower, Clark, Cloman, Cromwell, Daniel, Faddis, Foscue, Gary, Gee, Graves, Hardison, Harper, Jarvis, J. B. Jones, R. Jones, Jordan, Judkins, Lee, Little, Long, Mangum, Marsteller, Murray, McLeod, Nelson, Norman, O'Brien, Potts, Rand, S. T. Sawyer, Simmons, Stallings, Stephens, Sumner, G. A. Thompson, L. Thompson, Tillet, Willey, Wiseman, Ziglar.—44.

Those who voted in the negative, were Messrs. Abernathy, Baker, Barringer, Burgin, Cansler, Carter, Clayton, Courts, Cunningham, Cuthbertson, Dockery, Eccles, Edmonston, Emmit, Enloe, Gillespie, Glass, Grady, Guthrie, Gwynn, Hart, Hill, Horton, Hurst, Irion, Irvine, Ledford, Lyon, Mask, Maulsby, Montgomery, McCleese, McLaurin, McMillan, McQueen, Outlaw, Park, Peeples, Pierce, Poindexter, Relfe, Ridley, Settle, Smith, Thomas, Tunstall, Waddell, Wadsworth, Watson, Weaver, Whitaker, Witcher, Word.—53.

The question shall the said bill pass its second reading? was decided in the negative.

The House then adjourned until Monday morning 9 o'clock.

MONDAY, JANUARY 7, 1832.

1833

Mr. Little presented the following resolution.

Resolved, That a message be sent to the Senate, proposing that both branches of the Legislature adjourn on Wednesday the 9th of January *sine die*.

Mr. Edmonston, moved that said resolution lie on the table. The question thereon was decided in the negative. Yeas 49. Nays 50. The yeas and nays demanded by Mr. Boddie.

Those who voted in the affirmative, were Messrs. Adams, Allison, Arrington, Bragg, Brower, Burgin, Clark, Craige, Cunningham, Daniel, Davidson, Dockery, Doherty, Eccles, Edmonston, Emmit, Gillespie, Grady, Graves, Guthrie, Hardison, Hill, Hinton, Irvine, R. Jones, Laspeyre, Ledford, Long, Lyon, Mangum, Maulsby, McLeod, McMillan, McNeill, McQueen, Nelson, Norman, Outlaw, Park, Pierce, Shepard, Smith, G. A. Thompson, Waddell, Wadsworth, Ward, Whitaker, A. W. Wooten, Word.—49.

Those who voted in the negative, were, Messrs. Abernathy, Baker, Blowe, Boddie, Cansler, Carter, Clayton, Cloman, Courts, Cromwell, Enloe, Foscue, Gary, Gee, Gwynn, Harper, Hart, Hartley, Horton, Hurst, Irion, Jarvis, Jordan, Lee, Little, Locke, Loudermilk, Mullen, Murray, McCleese, McLaurin, Peeples, Pearson, Poindexter, Polk, Potts, Relfe, Ridley, Simmons, Skinner, Stallings, Stephens, Thomas, Tillett, Ury, Weaver, Willey, Wiseman, Witcher, Ziglar.—50.

The said resolution, was, on motion of Mr. Guthrie postponed until tomorrow.

A message was received from the Senate, informing that they had rejected the engrossed bill, providing for the encouragement of education.

A message from the Senate, informing that they had passed the engrossed bill to establish the Bank of North Carolina, and asking the concurrence of this House; Mr. Boddie moved that the said bill be rejected. The question thereon was determined in the negative. Yeas 45. Nays 56. The yeas and nays demanded by Mr. Burgin.

Those who voted in the affirmative, were Messrs. Baker, Blowe, Boddie, Bragg, Burgin, Clark, Clayton, Courts, Craige, Davidson, Eccles, Faddis, Foscue, Gary, Gillespie, Glass, Gwynn, Harper, Hill, Hinton, Irvine, Jordan, Lancaster, Laspeyre, Long, Lander milk, Lyon, Maultsby, McCleese, McLeod, McMillan, Nelson, Norman, Outlaw, Park, Pearson, Poindexter, F. A. Sawyer, Skinner, Stephens, Ury, Waddell, Ward, Weaver, A. W. Wooten,—45.

Those who voted in the negative, were Messrs. Abernathy, Adams, Allison, Arrington, Brower, Cansler, Carter, Clomau, Cunningham, Cuthbertson, Daniel, Dockery, Edmonston, Emmitt, Enloe, Gee, Graves, Guthrie, Hardison, Hart, Horton, Irion, Jarvis, R. Jones, Lee, Ledford, Little, Locke, Mangum, Mullen, Murray, McLauain, McNeill, McQueen, O'Brien, Peeples, Pierse, Polk, Potts, Relfe, Ridley, S. F. Sawyer, Settle, Smith, Stallings, Thomas, G. A. Thompson, Tillett, Tunstall, Wadsworth, Whitaker, Willey, Wiseman, Witcher, Word, Ziglar.—56.

The said bill was accordingly read the first time and passed, and, on motion of Mr. Outlaw, made the order of the day for to-morrow.

A message from the Senate informing that they had passed the engrossed bill to alter the name of George W. Williams of Anson county, and the engrossed resolution authorising a survey of Neuse river, from Smithfield to some point near Raleigh, and asking the concurrence of this House. The said bill was read the first time and passed, and the said resolution read and adopted, and ordered to be enrolled.

The bill to incorporate the Granville Dragoons, was read the second and third times, passed and ordered to be engrossed.

The bill concerning the inspection of fire-wood in the town of Newbern, was read the second and third times, amended on Mr. Hartley's motion, and passed, and ordered to be engrossed.

Received from His Excellency the Governor, by his private Secretary, the following communication.

To the Honorable the General Assembly of the State of North Carolina.

GENTLEMEN,

I have received from the Executive of the State of Georgia two letters, one communicating a resolution adopted by the Legislature of that State, on the 3d December last, proposing the call of a Convention of the people of the United States, with a view to the amendment of the Federal Constitution, in the various particulars specified in the resolution; the other contains a copy of a series of resolutions, adopted on the 22d of December, concurring with the General Assembly of the State of Tennessee, in deprecating the exercise of the powers which have been assumed by Congress, of appropriating money out of the Treasury of the United States, for the purposes of internal improvements; and declaring that the Government of the United States does not possess, under the constitution, any power to carry on a system of internal improvements within the several States, or to appropriate money to be expended upon such improvements. It is to be regretted that these communications have arrived at so late a period of your session. The propositions they involve are of vital importance to the interests of the Southern States, and call for early and deliberate consideration.

I am, very respectfully, your obedient servant,

D. L. SWAIN.

Executive Office, January 7, 1833.

On motion of Mr. Polk, ordered, that the foregoing communication, with the documents accompanying, be transmitted to the Senate.

The engrossed bill to reduce the salary of the supreme court judges of North Carolina, was read the second time, and on motion of Mr. Tunstall, postponed indefinitely. Yeas 59. Nays 55. The yeas and nays demanded by Mr. Allison.

Those who voted in the affirmative were, Messrs. Baker, Barringer, Blowe, Boddie, Bragg, Burgin, Clark, Courts, Craige, Daniel, Davidson, Dewes, Dockery, Eccles, Bimont, Gary, Gillespie, Glass, Grady, Guthrie, Hardison, Hill, Hinton, Irvine, Jordan, Lancaster, Laspeyre, Locke, Long, Mangum, Marsteller, McCleese, McLeod, McMillan, McQueen, Norman, Outlaw, O'Brien, Parke, Pearson, Poindexter, Polk, Potts, Ridley, Roberts, S. T. Sawyer, F. A. Sawyer, Shepard, Skinner, Spruill, Stallings, Sumner, Townsend, Tunstall, Ury, Waddell, Ward, Willey, A. W. Wooten.—59

Those who voted in the negative were, Messrs. Abernathy, Adams, Allison, Arrington, Brower, Cansler, Carter, Cloman, Cunningham, Doherty, Edmonston, Enloe, Faddis, Foscue, Gee, Graves, Gwynn, Harper, Hart, Hartley, Horton, Hurst, Irion, Jarvis, R. Jones, Judkins, Lee, Ledford, Little, Loudermilk, Lyon, Maulsby, Montgomery, Murray, McLaurin, McNeill, Nelson, Peebles, Pierce, Relfe, Settle, Simmons, Smith, Stephens, Thomas, G. A. Thompson, Tillet, Wadsworth, Watson, Weaver, Whitaker, Wiseman, Witcher, Word, Ziglar.—55.

Mr. Courts, from the committee raised on that subject, reported a resolution authorizing and instructing the Governor, to take such steps in relation to the contract with Ball Hughes, for the restoration of the Statue of Washington, as he may deem advisable; said resolution was read and adopted and ordered to be engrossed.

Mr. Marsteller presented a bill, founded on a memorial from the Grand Jury of New Hanover county, to repeal the third section of an act, passed in the year 1825, chapter 1272, entitled, an act to direct the manner in which licenses shall hereafter be issued to retailers of spirituous liquors, so far as regards the county of New Hanover. The said bill was amended by extending the provisions of the bill to the counties of Richmond and Beaufort, and read the first, second and third times, passed and ordered to be engrossed.

The bill to appoint commissioners to run and establish the dividing line, between the counties of Duplin and Wayne, was read the third time and rejected.

The engrossed bill to incorporate the Williamston and Windsor Turnpike Company, was read the third time and passed. Ordered, that the concurrence of the Senate be asked in the amendment heretofore made.

The bill to amend an act, passed in the year 1822, entitled, an act for the relief of debtors for debts, which may be contracted after the first day of May next, was read and rejected.

A message from the Senate, informing that they had rejected the engrossed bill concerning the board of internal improvement, and had postponed indefinitely the engrossed bill, to empower the courts of pleas and quarter sessions, of the several counties of this State, to authorize the erection of gates across public roads within their respective counties.

The engrossed bill to incorporate the Person artillery, was read the second and third times, passed and ordered to be enrolled.

The bill to repeal part of an act, passed at the last session of the General Assembly, chapter 26, entitled, an act to regulate retailers of spirituous liquors.

The bill to amend the tenth section of the act of 1741, entitled, an act for the better observation of the Lord's day, commonly called Sunday, and for the more effectual suppression of vice and immorality; and the resolution in favor of John Lumsden, were severally read the second and third times, passed and ordered to be engrossed.

The bill to secure the more perfect administration of justice in certain cases, was read the second time and rejected.

The bill concerning the Cherokee Territory was read the second time, and, on motion by Mr. Edmonston, indefinitely postponed. Yeas 82. Nays 24. The yeas and nays demanded by Mr. Whitaker.

Those who voted in the affirmative, were Messrs. Abernathy, Adams, Allison, Arrington, Barringer, Blowe, Boddie, Bragg, Burgin, Cansler, Carter, Clayton, Cloman, Courts, Cromwell, Cunningham, Daniel, Doherty, Eccles, Edmonston, Foscue, Gillespie, Glass, Grady, Graves, Guthrie, Gwynn, Hardison, Harper, Hart, Hartley, Hill, Hinton, Horton, Hurst, Irion, Jarvis, R. Jones, Jordan, Judkins, Lee, Ledford, Little, Locke, Loudermilk, Lyon, Mangum, Marsteller, Mask, Maulsby, Murray, McCleese, McLaurin, McLeod, McMillan, Nelson, Norman, Park, Peeples, Poindexter, Polk, Relfe, Ridley, Settle, Simmons, Smith, Stallings, Stephens, Sumner, Thomas, G. A. Thompson, Tillett, Tunstall, Ury, Waddell, Ward, Watson, Weaver, Willey, Wiseman, Witcher, A. W. Wooten.—82.

Those who voted in the negative were, Messrs. Brower, Clark, Emmit, Enloe, Faddie, Gary, Gee, Irvine, Long, Montgomery, McNeill, McQueen, Outlaw, Pierce, Roberts, S. T. Sawyer, Skinner, Wadsworth, Whitaker, Word, Ziglar—21.

The bill to authorize the courts of pleas and quarter sessions, within the several counties in this State, to license slaves and free persons of color to preach, pray or exhort in public in certain cases, was read the second time. Mr. McCleese moved that the said bill be postponed indefinitely. The question thereon was decided in the negative. Yeas 48. Nays 49. The yeas and nays called for by Mr. Poindexter.

Those who voted in the affirmative were, Messrs. Adams, Arrington, Barringer, Blowe, Boddie, Bragg, Clark, Cloman, Cromwell, Dewes, Eccles, Foscue, Gillespie, Grady, Graves, Gwynn, Hardison, Harper, Hartley, Hill, Hinton, Hurst, Jarvis, R. Jones, Jordan, Judkins, Little, Loudermilk, Mangum, Marsteller, McCleese, McLeod, Nelson, Outlaw, Polk, Relfe, S. T. Sawyer, Simmons, Stallings, Sumner, G. A. Thompson, Tillett, Tunstall, Waddell, Ward, Willey, A. W. Wooten.—48.

Those who voted in the negative were, Messrs. Abernathy, Allison, Brower, Burgin, Cansler, Carter, Clayton, Courts, Cunningham, Doherty, Edmonston, Emmit, Enloe, Gary, Gee, Glass, Guthrie, Hart, Horton, Irion, Lee, Ledford, Locke, Lyon, Mask, Maulsby, Montgomery, Murray, McLaurin, McNeill, McQueen, Park, Peeples, Pierce, Poindexter, Ridley, Settle, Skinner, Smith, Stephens, Thomas, Wadsworth, Watson, Weaver, Whitaker, Wiseman, Witcher, Word, Ziglar.—49.

On motion of Mr. Outlaw the said bill was then postponed until the 4th day of March next.

On motion, leave of absence for the residue of the session, was granted to Mr. Hartley and to Mr. Tillett from and after Wednesday next, and to Messrs. L. Thompson, Skinner and Dewes from and after to-morrow.

The resignation of William C. Draughon, as major of the Sampson regiment of militia, received from the Senate, was read and accepted.

The House then adjourned until to-morrow morning, 9 o'clock.

TUESDAY, JANUARY 8, 1832.

The bill to enact with sundry alterations and additions an act, entitled an act incorporating the Portsmouth and Roanoke Rail Road Company, and for other purposes, passed by the Legislature of Virginia on the 8th day of March 1832, was read the second and third times, amended on motion of Mr. O'Brien, and passed, and ordered to be engrossed.

Mr. Eccles, from the committee on the judiciary, to whom was referred the petition of sundry citizens of the county of Lincoln, praying an alteration of the laws relative to the duties of sheriffs and constables, returned the same to the House, and prayed that the committee be discharged from the further consideration thereof. The report was concurred in.

Mr. Eccles from the committee on the judiciary, to whom was referred the several bills entitled respectively, a bill to exempt from execution a certain portion of the farming utensils, and household and kitchen furniture of the citizens of this State; a bill to compel sheriffs and jailors to advertise in the State Gazette, all runaway slaves committed to their respective jails; a bill to

prevent the issuing of writs of *capias ad satisfaciendum* on judgments obtained before justices of the peace in the first place; a bill to repeal in part an act, passed in the year 1828, entitled an act to amend the law, with respect to the collection of debts, from the estates of deceased persons, and the law in relation to the levying of executions by justices of the peace; and a bill amendatory of an act, passed in the year 1784, entitled an act to regulate the descent of real estates, to do away entails, to make provision for widows, and to prevent frauds in the execution of last wills and testaments; reported the said bills to the House without amendment.

The bill to prevent the unlawful asportation of slaves from this State; the resolution in favor of Richard Roberts; and the resolution in favor of Joseph Welch, were severally read the second and third times, passed, and ordered to be engrossed.

A message from the Senate informing that they had passed the engrossed bills and resolution following, viz: a bill to extend the provisions of an act, passed A. D. 1830, entitled an act to repeal an act, passed in the year 1823, entitled an act concerning the public lands in the county of Haywood, so far as respects buildings on said lands; a bill to empower the commissioners of the town of Seracta in the county of Duplin, to sell the town Commons; and a resolution authorising and requesting the Governor to purchase maps of North Carolina by J. McRae, to be presented to each of the States and Territories; and asking the concurrence of this House. The said bills were read the first time and passed; and the said resolution was read and adopted and ordered to be enrolled.

The engrossed bill from the Senate, entitled a bill to establish the Bank of North Carolina, was read the second time; Mr. Skinner moved that the said bill be made the order of the day for Thursday next; the question thereon was decided in the negative; Mr. Outlaw moved that the said bill be indefinitely postponed. The question thereon was decided in the negative. Yeas 50. Nays 57. The yeas and nays demanded by Mr. Emmit.

Those who voted in the affirmative were, Messrs. Barringer, Baker, Blowe, Boddie, Bragg, Burgin, Clark, Clayton, Courts, Craige, Eccles, Foscue, Gary, Gillespie, Glass, Grady, Gwynn, Harper, Hartley, Hill, Hinton, Hurst, Irvine, Judkins, Lancaster, Long, Lyon, Marsteller, Maulsby, McCleese, McLeod, Nelson, Norman, Outlaw, Park, Pearson, Poindexter, Rand, Roberts, F. A. Sawyer, Skinner, Spruill, Stephens, Sumner, Townsend, Ury, Waddell, Ward, Weaver, A. W. Wooten.—50.

Those who voted in the negative were, Messrs. Abernathy, Adams, Allison, Arrington, Brower, Cansler, Carter, Cloman, Cromwell, Cunningham, Cuthbertson, Daniel, Edmonston, Emmit, Enloe, Gee, Graves, Guthrie, Hart, Horton, Irion, Jarvis, R. Jones, Jordan, Ledford, Little, Locke, Loudermilk, Mangum, Montgomery, Mullen, Murray, McLaurin, McNeill, McQueen, O'Brien, Peebles, Pierse, Polk, Potts, Relfe, Ridley, Settle, Simmons, Smith, Stallings, Thomas, G. A. Thompson, Tillett, Wadsworth, Watson, Whitaker, Willey, Wiseman, Witcher, Word, Ziglar.—57.

Mr. Outlaw, moved that the further consideration of the bill be postponed to the 4th day of March next. The question thereon was determined in the negative. Yeas 53. Nays 59. The yeas and nays demanded by Mr. Allison.

Those who voted in the affirmative, were Messrs. Baker, Barringer, Blowe, Boddie, Bragg, Burgin, Clark, Clayton, Courts, Craige, Davidson, Eccles, Foscue, Gillespie, Glass, Grady, Gwynn, Harper, Hartley, Hinton, Hurst, Irvine, Judkins, Lancaster, Laspeyre, Long, Lyon, Marsteller, Maulsby, McCleese, McLeod, McMillan, Nelson, Norman, Outlaw, Park, Pearson, Poindexter, Polk, Roberts, S. T. Sawyer, F. A. Sawyer, Shepard, Skinner, Spruill, Stephens, Sumner, Townsend, Ury, Waddell, Ward, Weaver, A. W. Wooten.—53.

Those who voted in the negative, were Messrs. Abernathy, Adams, Allison, Arrington, Brower, Cansler, Carter, Cloman, Cromwell, Cunningham, Cuthbertson, Daniel, Dock-

ery, Edmonston, Emmitt, Gee, Graves, Guthrie, Hardison, Hart, Horton, Irion, Jarvis, R. Jones, Jordan, Lee, Ledford, Little, Locke, Loudermilk, Mangum, Mask, Montgomery, Mullen, Murray, McLaurin, McNeill, McQueen, O'Brien, Peebles, Pierse, Potts, Rand, Relfe, Ridley, Settle, Simmons, Smith, Stallings, Thomas, G. A. Thompson, Tunstall, Wadsworth, Watson, Whitaker, Wiseman, Witcher, Word, Ziglar.—59

The title of the bill, was, on motion of Mr. G. A. Thompson, amended, and the question shall the said bill pass its second reading? it was determined in the negative. Yeas 48. Nays 62. The yeas and nays called for by Mr. Settle.

Those who voted in the affirmative, were Messrs. Abernathy, Adams, Allison, Brower, Causler, Carter, Cromwell, Cunningham, Daniel, Edmonston, Emmitt, Enloe, Graves, Guthrie, Hardison, Horton, Irion, Jarvis, R. Jones, Jordan, Lee, Ledford, Little, Locke, Montgomery, Murray, McNeill, McQueen, O'Brien, Peebles, Pierse, Potts, Relfe, Ridley, Settle, Smith, Stallings, Thomas, G. A. Thompson, Tillett, Tunstall, Wadsworth, Whitaker, Willey, Wiseman, Witcher, Word, Ziglar.—48.

Those who voted in the negative, were Messrs. Arrington, Baker, Barringer, Blowe, Boddie, Bragg, Burgin, Clark, Clayton, Cloman, Courts, Craige, Dockery, Eccles, Foscue, Gary, Gillespie, Glass, Grady, Gwynn, Harper, Hart, Hartley, Hill, Hinton, Hurst, Irvine, Judkins, Lancaster, Laspeyre, Long, Loudermilk, Lyon, Mangum, Marsteller, Mask, Mathisby, McCleese, McLeod, McMillan, Nelson, Norman, Outlaw, Park, Pearson, Poin-dexter, Rand, Roberts, S. T. Sawyer, F. A. Sawyer, Shepard, Skinner, Spruill, Stephens, Sumner, Townsend, Ury, Waddell, Ward, Watson, Weaver, A. W. Wooten.—62.

The following engrossed bills from the Senate, were severally read the second and third times, passed, and ordered to be enrolled, viz: the bill concerning the survey of lots in the town of Franklin; the bill to extend the provisions of an act, passed at the last session of the General Assembly, entitled an act in addition to an act passed at the last session of the General Assembly of this State, in relation to the burning of the records of the county of Hertford, to the county of Wake; the bill to repeal in part an act, passed in the year 1827, Chapter 88, entitled an act appointing commissioners to run and establish the boundary line between the counties of Bladen and Columbus and for other purposes; the bill to incorporate the Macon county Agricultural Society; the bill to amend an act, passed in the year 1824, entitled an act for the better settlement of the finances of the county of Robeson; the bill to alter the name of and legitimate Sally Holliday, of Martin county; the bill to empower the Wayne county State Guards, to form themselves into a squadron of light or horse artillery; the bill to incorporate the Robeson Light Dragoons; the bill to continue for a longer time the Neuse Navigation Company; the bill for the better regulation of Volunteers; the bill to incorporate the La Fayette Artillery and for other purposes; the bill to appoint commissioners for the town of Carthage in the county of Moore, and to incorporate the same; the bill to abolish the office of treasurer of public buildings, so far as relates to the county of Bladen and for other purposes; and the bill to incorporate the Pitt Troopers and Bladen Cavalry.

Mr. Outlaw presented a bill to incorporate Oak Grove Academy, in Bertie county; the said bill was read the first, second and third times, passed, and ordered to be engrossed.

The following engrossed bills from the Senate, were read severally the second and third times and passed, viz: the bill to alter the names of Richard Alderson and William White, of Beaufort county, and entitle them to inherit; the bill concerning the town of Rockford, in Surry county; the bill to repeal an act, passed in the year 1830, Chapter 143, entitled an act for the better regulation of the court of pleas and quarter sessions of the county of Haywood; the bill to incorporate the Gatesville Academy; the bill to incorporate the

Randolph Blues; the bill to incorporate the Blakely Blues, the bill to alter the time for the sheriff to make his settlements with the courts of pleas and quarter sessions of the county of Wilkes; the bill to incorporate the trustees of the Waynesborough Academy, in the county of Wayne; and the bill to amend an act, passed in the year 1830, entitled an act to establish the town of Gatesville. Ordered that the said foregoing bills be enrolled.

The engrossed bill to repeal part of an act, passed in 1824, entitled, an act to authorize the court of pleas and quarter sessions of Hyde and Tyrrell counties, to issue licenses to retail spirituous liquors by the small measure, at or near their Court House; the bill appointing lay days on Rocky river, joining Anson and Montgomery counties; the bill to authorize the courts of pleas and quarter sessions, of the counties of Hertford and Gates, to lay a tax to defray all the expenses incident to calling out the militia during the insurrection in Southampton county, Virginia, and for other purposes; and the engrossed bill to appoint additional trustees of Rush Academy, in the county of Hyde, were severally read the second and third times, passed and ordered to be enrolled.

The engrossed bill to alter the name of George W. Williams, of Anson county; the engrossed bill to repeal the provisions of an act, passed at the last session of the General Assembly, chapter 164, entitled, an act concerning those persons who are interested in the beach and marshy lands, lying in the county of Currituck; and the engrossed bill to divorce Polly Buckner from her husband Edward Buckner, were severally read the second and third times and passed. Ordered, that said bills be enrolled.

The engrossed bill to repair, improve and lay off a road, leading from Cornelius Howard's Mill in Wilkes county, on Elk Creek, leading up said creek to the Great Western Road, crossing the Deep Gap of the Blue Ridge near the Ashe county line, and from thence leading into the State of Tennessee; and the engrossed bill to exempt hands from working on certain roads in the county of Bancombe, were read the second time and rejected.

The engrossed bill appointing commissioners to build a bridge across South Yadkin River, in Rowan county, was read the second and third times, passed and ordered to be enrolled.

The following engrossed bills were read the second and third times, amended and passed, viz: A bill to extend the provisions of an act, passed at the last session of the General Assembly, entitled, an act to abolish the offices of county trustee and treasurer of public buildings, in the counties of Richmond, Columbus, Sampson and Robeson to the counties of Halifax, Nash and Beaufort; a bill for the better regulation of the courts of pleas and quarter sessions for the county of Halifax; a bill for the better regulation of the court of pleas and quarter sessions of Duplin county; a bill for the better organization of the militia of the county of Beaufort; and the bill to incorporate the Sunsby Academy in the county of Gates. Ordered, that the concurrence of the Senate be asked in the amendments made to said bills in this House.

The engrossed bill to amend the militia laws; the engrossed bill to allow the taking of depositions in cases of removal; and the engrossed bill to authorize the removal of buildings on the public lands in the town of Franklin, were severally read the second and third times, passed and ordered to be enrolled.

A message from the Senate, informing that they had passed the engrossed bill to repeal the third section of an act, passed in the year 1825, chapter 1272, entitled, an act to direct the manner in which licenses shall hereafter be issued to retailers of spirituous liquors, so far as regards the counties of New

Hanover, Richmond and Beaufort, with an amendment, and asking the concurrence of this House therein; the said amendment was read and concurred in.

The engrossed bill making compensation to the Secretary of State, for services required of him by an act of the General Assembly of 1827, Chapter 23, and for other purposes, was read the second and third times, passed, and ordered to be enrolled.

The engrossed bill to legitimate Arcadia Harris, and entitle her to inherit from both parents, was read, and, on motion of Mr. Sumner indefinitely postponed.

The bill fixing a uniform mode of assessment of the real estate with the improvements thereon, was on motion of Mr. Craige indefinitely postponed.

The bill making the owners of dogs liable for the value of sheep that they kill or otherwise injure, was on motion of Mr. Norman indefinitely postponed.

The engrossed bill to alter the names of Catherine Dawson and Henry Dawson of Wake county, was, on motion of Mr. Mangum postponed indefinitely.

The engrossed bill to emancipate Littleberry, a slave, the property of John D. Scott, was, on motion of Mr. Relfe, indefinitely postponed.

The bill to make executors, administrators and guardians, make due return of inventories and accounts under certain penalties, was on motion, ordered to be laid on the table.

The engrossed bill, further to improve the police of the town of Washington, was on motion of Mr. Glass, laid on the table.

The engrossed bill to amend an act, passed in the year 1821, entitled an act to amend the several inspection laws of this State, so far as respects turpentine in the town of Wilmington, was read, and on motion of Mr. Mangum, laid on the table till the third Monday of November next.

On motion of Mr. Polk, Daniel Call, executor of Robert Means, obtained leave to withdraw from the files of this House, the petition by him presented to the last Legislature, as well as certain certificates, accompanying a similar petition presented to the Legislature in the year 1830.

Mr. Emmit, moved that the House do re-consider their vote of yesterday, rejecting the engrossed bill from the Senate, entitled a bill to reduce the salaries of the supreme court judges.

Mr. S. T. Sawyer, moved that the said motion lie on the table. The question thereon was decided in the affirmative.

Mr. McCleese, Pearson, Baker, Simmons and Harrison, obtained leave of absence from the service of the House from and after to-morrow, for the residue of the session.

The House then adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY, JANUARY 9, 1833.

Mr. McQueen, moved that the resolution in favor of Joseph Gales be put on its passage. The House agreed to consider it, and the resolution was read the second and third times, passed, and ordered to be engrossed.

The engrossed bill to extend the provisions of an act, passed A. D. 1830, entitled an act to repeal an act, passed in the year 1823, entitled an act concerning the public lands, in the county of Haywood, so far as respects buildings on said lands, was read the second and third times, passed, and ordered to be enrolled.

The resolution directing the Governor to select from the Library of Col. Isaac T. Avery, certain English law books, was called up by Mr. McQueen, read and adopted and ordered to be engrossed.

A message from the Senate, proposing that the two Houses, ballot immediately for a brigadier general of the 19th brigade, and informing that Benjamin S. Britain is a nomination for the appointment; on motion of Mr Edmonston, ordered that the said message lie on the table until the third Monday of November next.

The bill to exempt from execution a certain portion of the farming utensils and household and kitchen furniture of the citizens of this State, was read the second time and passed. Yeas 81. Nays 18. The yeas and nays demanded by Mr. Cunningham.

Those who voted in the affirmative were, Messrs. Abernathy, Adams, Allison, Arrington, Blowe, Boddie, Brower, Burgin, Cansler, Carter, Clark, Cloman, Courts, Craige, Cuthbertson, Daniel, Davidson, Dockery, Edmonston, Emmit, Enloe, Foscue, Gary, Gee, Gillespie, Glass, Grady, Graves, Gwynn, Hardison, Harper, Hart, Hill, Horton, Hurst, Irvine, Jarvis, R. Jones, Jordan, Judkins, Lancaster, Laspeyre, Lee, Ledford, Little, Locke, Long, Loudermilk, Mangum, Marsteller, Mask, Montgomery, Mullen, Murray, McLeod, McQueen, Nelson, Norman, Outlaw, O'Brien, Parke, Peeples, Pierce, Relfe, Ridley, Roberts, Settle, Smith, Stallings, G. A. Thompson, Townsend, Tunstall, Ury, Waddell, Wadsworth, Ward, Whitaker, Willey, Wiseman, Witcher, Ziglar.—81.

Those who voted in the negative were, Messrs. Bragg, Clayton, Cromwell, Cunningham, Eccles, Hinton, Lyon, Maulsby, McLaurin, McMillan, Poindexter, Rand, Shepard, Stephens, Sumner, Weaver, A. W. Wooten, Word.—18

Mr. Wiseman moved that the bill be now read a third time; this was agreed to and the said bill read the third time, passed and ordered to be engrossed.

A message from the Senate, informing that they had passed the engrossed bill amendatory and declaratory of the several laws now in force concerning the town of Oxford, and asking the concurrence of this House. The said bill was read the first, second and third times, passed and ordered to be enrolled.

The engrossed bill to empower the commissioners of the town of Seracta, in the county of Duplin, to sell the town commons; and the engrossed bill further to improve the police of the town of Washington, were severally read the second and third times, amended and passed. Ordered, that the concurrence of the Senate be asked in the amendments made to said bills by this House.

The engrossed bill to amend an act, passed at the last session of the General Assembly of North Carolina, entitled, an act to authorize the building of a toll-bridge over Roanoke river, at the town of Weldon, and to incorporate a company for that purpose, was read the second time. Mr. Gary moved to strike out the words "rail road" wherever they occur in the bill; the question on this amendment was decided in the negative. Yeas 43. Nays 49. The yeas and nays demanded by Mr. Gee.

Those who voted in the affirmative, were Messrs. Abernathy, Adams, Barringer, Blowe, Cansler, Carter, Craige, Cunningham, Davidson, Dockery, Eccles, Edmondston, Gary, Gillespie, Grady, Hardison, Harper, Hart, Hill, Horton, Hurst, Irion, Irvine, Jordan, Laspeyre, Lee, Ledford, Little, Loudermilk, Lyon, Marsteller, McLaurin, McQueen, Norman, Park, Pierce, Poindexter, Relfe, Shepard, Smith, Stephens, Weaver, Whitaker.—43

Those who voted in the negative, were Messrs. Allison, Arrington, Boddie, Bragg, Brower, Clayton, Cloman, Courts, Cuthbertson, Daniel, Emmit, Foscue, Gee, Graves, Guthrie, Gwynn, Hinton, Jarvis, R. Jones, Judkins, Lancaster, Locke, Long, Mangum, Mask, Montgomery, Murray, McLeod, McNeill, Outlaw, O'Brien, Polk, Rand, Ridley, Saintclair, S. T. Sawyer, Settle, Stallings, Sumner, Townsend, Tunstall, Waddell, Wadsworth, Ward, Watson, Willey, Wiseman, Witcher, Word.—49.

The question, shall the said bill pass its second reading? was decided in the negative.

The engrossed resolution concerning the Public Treasurer; the engrossed resolution concerning the Government House; the engrossed resolution in favor of Daniel Harris; the engrossed resolution in favor of Robert Stinson; the engrossed resolution for the Public Treasurer; the engrossed resolution

providing for the sale of the rubbish of the old Capitol; and the engrossed bill authorizing widows of persons dying intestate to file their petitions for a year's support, before letters of administration are granted, were severally read the second and third times, passed and ordered to be enrolled.

The bill to prevent the issuing of writs of *capias ad satisfaciendum* on judgments obtained before justices of the peace in the first instance; and the engrossed resolution in favor of Samuel W. W. Vick, sheriff of Nash, were severally read the second time and rejected.

The engrossed resolution in favor of Charity Webb, of Wilkes county; the engrossed resolution in favor of Benjamin Kilby, of Wilkes county; and the engrossed resolution for the adjutant-general, were severally read the second and third times, passed and ordered to be enrolled.

The engrossed resolutions authorizing repairs of the Secretary's Office and the Government House, were read the second and third times, passed and ordered to be enrolled.

The bill to compel sheriffs and jailors to advertise in the State Gazette all runaway slaves committed to their respective jails was read, and, on motion of Mr. Eccles, indefinitely postponed.

The engrossed bill more effectually to prevent litigation and to avoid suits at law was read, and, on motion of Mr. Whitaker, indefinitely postponed.

The engrossed bill to amend an act, passed in the year 1829, entitled, an act to provide for a division of negroes and other chattel property held in common was read, and, on motion of Mr. Stallings, postponed indefinitely.

The bill to repeal in part an act, passed in the year 1828, entitled, an act to amend the law with respect to the collection of debts from the estates of deceased persons, and the law in relation to the levying of executions, issued by justices of the peace was read, and, on motion of Mr. O'Brien, indefinitely postponed.

The engrossed bill to amend an act, passed the present session, entitled, an act to vest the right of electing clerks of the county and superior courts in the several counties within this State in the free white men thereof, was read and rejected.

Mr. Sumner, from the committee on the judiciary, to whom was referred the bill to authorize the trial of titles to real estate, when the same shall come in question in petitions for partition, reported the same without amendment and moved that the said bill lie on the table until the third Monday of November next. The question thereon was decided in the affirmative.

The bill amendatory of an act, passed in the year 1784, entitled, an act to regulate the descent of real estates, to do away entails, to make provisions for widows and to prevent frauds in the execution of last wills and testaments was read, and, on motion of Mr. Mangum, ordered to lie on the table.

Mr. Daniel moved that the resolution heretofore submitted by Mr. Potts be now taken up and considered. The resolution is in the following words:

Resolved, That this Legislature views with anxious solicitude, the present alarming crisis in our affairs, and confidently relying upon the returning justice of Congress for relief, from the burdens of partial and oppressive taxation, deprecates the resort to force, either by the General Government, or the State of South Carolina."

The question on Mr. Daniel's motion was decided in the affirmative. Yeas 49. Nays 39. The yeas and nays called for by Mr. Bragg.

Those who voted in the affirmative, were Messrs. Abernathy, Allison, Arrington, Barringer, Blowe, Boddie, Bragg, Brower, Cansler, Clayton, Cloman, Counts, Cunningham, Cuthbertson, Daniel, Davidson, Enloe, Grady, Guthrie, Harper, Hart, Irion, Jarvis, Jordan, Juddkins, Laspeyre, Lee, Ledford, Lyon, Mangum, Marsteller, Mask, Marltsby, McNeill,

O'Brien, Poindexter, Relfe, Roberts, Stephens, Ward, Watson, Whitaker, Willey, Wiseman, Witcher, A. W. Wooten, Word, Ziglar.—49.

Those who voted in the negative were, Messrs. Adams, Carter, Cromwell, Edmonston, Emmit, Faddis, Foscue, Glass, Graves, Gwynn, Hardison, Hinton, Horton, Hurst, Irvine, R. Jones, Long, Loudermilk, Montgomery, Murray, McLaurin, McLeod, McQueen, Outlaw, Pierse, Polk, Rand, Ridley, Saintclair, S. T. Sawyer, Settle, Shepard, Smith, Sumner, G. A. Thompson, Townsend, Tunstall, Wadsworth, Weaver.—39.

Mr. Tunstall moved that the said resolution be postponed indefinitely; the question thereon was determined in the negative. Mr. Outlaw moved to strike out the words "confidently relying upon the returning justice of Congress for relief from the burdens of partial and oppressive taxation." Pending this question, the said resolution was, on motion of Mr. Polk, laid on the table. Yeas 73. Nays 22. The yeas and nays demanded by Mr. Graves.

Those who voted in the affirmative, were Messrs. Abernathy, Adams, Allison, Blowe, Boddie, Brower, Cansler, Carter, Clark, Clayton, Cromwell, Cunningham, Eccles, Edmonston, Emmit, Enloe, Faddis, Foscue, Gary, Grady, Graves, Gwynn, Hardison, Hinton, Horton, Hurst, Irion, Irvine, Jordan, Lancaster, Laspeyre, Lee, Ledford, Little, Long, Loudermilk, Lyon, Marsteller, Mask, Maulsby, Montgomery, Murray, McLaurin, McLeod, McMillan, McNeill, McQueen, Nelson, Park, Pierse, Polk, Rand, Relfe, Ridley, Roberts, Saintclair, S. T. Sawyer, F. A. Sawyer, Settle, Shepard, Smith, Stallings, Sumner, Townsend, Tunstall, Waddell, Wadsworth, Watson, Weaver, Whitaker, Willey, Wiseman, Ziglar.—73.

Those who voted in the negative were, Messrs. Barringer, Bragg, Cloman, Courts, Craige, Cuthbertson, Daniel, Guthrie, Harper, Hart, Jarvis, Judkins, Mangum, Outlaw, O'Brien, Poindexter, Stephens, Ury, Ward, Witcher, A. W. Wooten, Word.—22.

Mr. Norman, at his own request, was excused by the House from voting on the several questions, which arose on the preceding resolution.

The engrossed resolution in favor of the Door-keepers, was read the second time; Mr. Boddie moved the same be indefinitely postponed, and called for the yeas and nays. The question thereon was decided in the negative. Yeas 25. Nays 58.

Those who voted in the affirmative, were Messrs. Abernathy, Allison, Arrington, Blowe, Boddie, Cansler, Carter, Clayton, Cloman, Foscue, Glass, Hardison, Little, Montgomery, Mullen, Murray, McLaurin, McNeill, Relfe, Ury, Wadsworth, Watson, Weaver, Willey, Wiseman.—25.

Those who voted in the negative, were, Messrs. Adams, Barringer, Brower, Burgin, Courts, Cromwell, Cunningham, Cuthbertson, Daniel, Davidson, Eccles, Edmonston, Emmit, Enloe, Gary, Grady, Graves, Gwynn, Harper, Hart, Hill, Hinton, Horton, Jarvis, Jordan, Lee, Ledford, Locke, Loudermilk, Lyon, Mangum, Marsteller, Mask, Maulsby, McLeod, McMillan, Nelson, Norman, Outlaw, Park, Poindexter, Polk, Rand, Roberts, Saintclair, Settle, Smith, Spruill, Stallings, G. A. Thompson, Townsend, Waddell, Ward, Whitaker, Witcher, A. W. Wooten, Word, Ziglar.—58.

The said resolution, was on motion of Mr. Marsteller amended, read the second and third times, passed and ordered to be enrolled.

The motion of Mr. Emmit, yesterday made to re-consider the vote of this House rejecting the engrossed bill, to reduce the salaries of the supreme court judges, was now taken up, and the question will the House so re-consider their said vote, was determined in the negative. Yeas 39. Nays 65. The yeas and nays demanded by Mr. Loudermilk.

Those who voted in the affirmative, were Messrs. Adams, Allison, Blowe, Carter, Cloman, Cunningham, Edmonston, Emmit, Enloe, Faddis, Foscue, Graves, Gwynn, Harper, Horton, Irion, Jarvis, R. Jones, Judkins, Lancaster, Lee, Ledford, Loudermilk, Montgomery, Mullen, McLaurin, McNeill, Rand, Relfe, Settle, Smith, Stephens, Wadsworth, Watson, Whitaker, Wiseman, Witcher, Word, Ziglar.—39.

Those who voted in the negative, were Messrs. Abernathy, Arrington, Barringer, Boddie, Bragg, Burgin, Cansler, Clark, Clayton, Courts, Claige, Cromwell, Cuthbertson, Davidson, Dockery, Eccles, Gary, Gee, Glass, Grady, Guthrie, Hardison, Hart, Hinton, Hurst, Irvine, Jordan, Laspeyre, Little, Locke, Long, Lyon, Mangum, Marsteller, Mask, Mauls-

By Murray, McLeod, McMillan, McQueen, Nelson, Norman, Outlaw, O'Brien, Park, Pierse, Poindexter, Polk, Ridley, Roberts, Saintclair, S. T. Sawyer, F. A. Sawyer, Shepard, Stallings, Sumner, G. A. Thompson, Townsend, Tunstall, Ury, Waddell, Ward, Weaver, Willey, A. W. Wooten.—65.

A message from the Senate informing that they had passed the engrossed bill to establish the Bank of North Carolina with sundry amendments, and asking the concurrence of this House. The question to concur in the Senate's first amendment, viz: to strike out in the sixth line of the first section the words "five hundred thousand" and to insert "one million" was decided in the affirmative. Yeas 57. N.ys 32. The yeas and nays demanded by Mr. Spruill.

Those who voted in the affirmative, were Messrs. Abernathy, Allison, Brower, Burgin, Cansler, Carter, Courts, Craige, Cromwell, Cunningham, Cuthbertson, Davidson, Edmonston, Enloe, Gillespie, Glass, Grady, Graves, Guthrie, Gwynn, Hardison, Horton, Hurst, Irion, R. Jones, Jordan, Lee, Ledford, Locke, Loudermilk, Mangum, Marsteller, Mask, Montgomery, Mullen, Murray, McLaurin, McNeill, Park, Poindexter, Rand, Relfe, Saintclair, S. T. Sawyer, Settle, Smith, Stallings, Tunstall, Waddell, Wadsworth, Watson, Whitaker, Willey, Wiseman, Witcher, Word, Ziglar.—57.

Those who voted in the negative, were Messrs. Barringer, Blowe, Boddie, Clark, Cloman, Eccles, Faddis, Foscue, Gary, Harper, Hart, Hinton, Irvine, Lancaster, Little, Lyon, Maulsby, McLeod, McMillan, Nelson, Norman, Outlaw, Ridley, Roberts, Spruill, Stephens, Sumner, Townsend, Ury, Ward, Weaver, A. W. Wooten.—32.

The Senate proposed to strike out the word "twice" in the third line of the tenth section and to insert the words "three times." The question on concurring with this amendment, was determined in the affirmative. Yeas 58, Nays 39. The yeas and nays called for, by Mr. Outlaw.

Those who voted in the affirmative were, Messrs. Abernathy, Adams, Allison, Arrington, Brower, Burgin, Cansler, Carter, Courts, Craige, Cunningham, Cuthbertson, Daniel, Davidson, Edmonston, Enloe, Gary, Gillespie, Grady, Graves, Guthrie, Gwynn, Hardison, Hart, Hinton, Horton, Hurst, Irion, R. Jones, Jordan, Lee, Ledford, Loudermilk, Mangum, Mask, Montgomery, Mullen, Murray, McLaurin, McNeill, McQueen, O'Brien, Park, Poindexter, Relfe, Saintclair, Settle, Smith, Stallings, G. A. Thompson, Waddell, Wadsworth, Watson, Whitaker, Willey, Wiseman, Witcher, Word, Ziglar.—58.

Those who voted in the negative, were Messrs. Barringer, Blowe, Boddie, Clark, Clayton, Cloman, Cromwell, Dockery, Eccles, Foscue, Glass, Harper, Irvine, Jarvis, Judkins, Lancaster, Little, Locke, Lyon, Marsteller, Maulsby, McLeod, McMillan, Nelson, Norman, Outlaw, Rand, Ridley, Roberts, S. T. Sawyer, Spruill, Stephens, Sumner, Townsend, Tunstall, Ury, Ward, Weaver, A. W. Wooten.—39.

The Senate in their said message further proposed to strike out the words "thence until the appointment of their successors" in the third section and to insert the words "thereafter the president shall be elected annually by joint ballot of both Houses of the General Assembly;" The question on concurring with this amendment, was decided in the affirmative. Yeas 52. Nays 45. The yeas and nays called for by Mr. Barringer.

Those who voted in the affirmative were, Messrs. Abernathy, Adams, Allison, Arrington, Brower, Burgin, Cansler, Carter, Courts, Cromwell, Cunningham, Cuthbertson, Daniel, Davidson, Edmonston, Enloe, Gary, Gillespie, Grady, Graves, Guthrie, Hardison, Horton, Hurst, Irion, R. Jones, Jordan, Lee, Ledford, Little, Loudermilk, Mangum, Mask, Montgomery, Mullen, McNeill, O'Brien, Park, Relfe, Saintclair, Settle, Smith, Stallings, Tunstall, Wadsworth, Watson, Whitaker, Willey, Wiseman, Witcher, Word, Ziglar.—52.

Those who voted in the negative were, Messrs. Barringer, Blowe, Boddie, Clark, Clayton, Cloman, Dockery, Eccles, Foscue, Glass, Gwynn, Harper, Hart, Hinton, Irvine, Jarvis, Judkins, Lancaster, Locke, Lyon, Marsteller, Maulsby, Murray, McLaurin, McLeod, McMillan, McQueen, Nelson, Norman, Outlaw, Poindexter, Rand, Ridley, Roberts, S. T. Sawyer, Spruill, Stephens, Sumner, G. A. Thompson, Townsend, Ury, Waddell, Ward, Weaver, A. W. Wooten.—45.

The Senate further proposed to amend the said bill in the 13th section by striking out the words "in addition to the eight directors appointed by the stockholders," and after word "appoint" strike out the words "four other" and

insert the words "one half of the." Mr. Barringer moved to amend the amendment, by inserting instead of "one half of the" the words "one director for every two hundred and fifty thousand dollars subscribed as aforesaid." This was agreed to, and the amendment proposed by the Senate as thus amended on Mr. Barringer's motion, was concurred in. Mr. Outlaw moved further to amend the amendment by adding to the said section the following proviso; "provided that no member of the General Assembly shall be eligible either as president or director." The question on adopting this proviso; was determined in the affirmative. On the adoption of the amendment proposed by the Senate as the 24th section, Mr. Outlaw called for the yeas and nays, and the amendment was concurred in. Yeas 53. Nays 30.

Those who voted in the affirmative were, Messrs. Abernathy, Adams, Allison, Arrington, Brower, Cansler, Carter, Cloman, Cromwell, Cunningham, Cuthbertson, Davidson, Edmonston, Enloe, Gillespie, Graves, Guthrie, Hardison, Horton, Hurst, Irion, R. Jones, Jordan, Lee, Ledford, Little, Loudermilk, Mangum, Marsteller, Mask, Montgomery, Mulen, Murray, McLaurin, McNeill, McQueen, O'Brien, Park, Relfe, Ridley, Saintclair, Settle, Smith, Stallings, Tunstall, Waddell, Wadsworth, Whitaker, Willey, Wiseman, Witcher, Word, Ziglar.—53.

Those who voted in the negative were, Messrs. Barringer, Blow, Boddie, Bragg, Burgin, Clayton, Courts, Craige, Daniel, Dockery, Eccles, Faddis, Foscue, Gary, Gee, Glass, Gwynn, Harper, Hart, Jarvis, Judkins, Locke, Lyon, Maulsby, McLeod, McMillan, Outlaw, Poindexter, Potts, Rand, Roberts, S. T. Sawyer, Spruill, Stephens, Sumner, G. A. Thompson, Ury, Weaver, A. W. Wooten.—39.

The other amendments proposed to said bill by the Senate, were read and concurred in, and the Senate so informed.

On motion, leave of absence from and after this day for the remainder of the session was granted, to Messrs. Peeples and Thomas, and to Messrs. Geo Marsteller, Boddie, Ridley and Wiseman, from and after to-morrow.

Mr. Clark presented the following protest, which was read and ordered to be spread at large on the Journal.

By virtue of a privilege guaranteed to the undersigned in common with every individual member of this and every other "General Assembly" of this State, he will take occasion to declare his protest against a resolution of this Legislature, passed the 3d of January, 1833. The resolution to which allusion is had, is in these words:

Resolved, "That our Senators in Congress be instructed and our Representatives be requested to use all constitutional means in their power to procure a peaceable adjustment of the existing controversy between the State of South Carolina and the General Government, and to produce a reconciliation between the contending parties."

Among the recorded votes taken upon this resolution, the name of the undersigned is to be found single and alone, in opposition to it. Were his name but fortunately associated with the name of but three or four individuals on the same side of the question, he would readily forego the privilege of the benefits of which he is now seeking to avail himself.—But standing as it does alone, and unsupported by the name of any other member of this branch of the Legislature, he feels that a sense of justice to himself and of duty to this body require of him to state the motives that induced his vote. It is feared that by some it may be thought that his vote on that resolution was dictated by a foolish and ridiculous ambition to exhibit the appearance of singularity. His vote on that occasion was directed by a desire to gratify no such childish propensity. A course of conduct, that from its excentricity is calculated only to excite feelings and expressions of surprise, he has never admired, nor sought to cultivate. His vote on that resolution proceeded from principle, and was founded upon the high considerations of duty and justice. The undersigned has always been in the habit of regarding the members of the Legislature of this and every other State as agents of the people for certain purposes, while he looked upon the members of Congress as agents of the same people for entirely different and distinct purposes. It is true our Senators in Congress are elected by our Legislature, but their responsibility is directly to the sovereign people of the State. That people have for considerations of expediency, transferred merely the right of election to the legislature—the province of determining who those Senators shall be, without meaning or expecting that the direction of their responsibility would be at all changed. For it is believed that no proposition can be more

consonant to their suggestions of common sense, and more plain to the most limited comprehension, than the one which asserts that the responsibility of every agent is directly to the person or persons from whom he receives his power of attorney. Our Senators in Congress have, for their power of attorney, the Constitution of the United States. That constitution so far as the State of North Carolina is concerned, was called into existence, ratified and confirmed by the people of the State in Convention, and, of consequence, our Senators, as well as our Representatives in Congress, owe their official existence, and derive their authority from the people, and to them are responsible for all their conduct. So that the members of both houses of Congress from this State are as much the agents of the people, as are the members of this Legislature, though they are their agents for entirely separate and distinct objects—the former being the agents of the people for general and national objects—the latter being their agents for local and State purposes.

Now the undersigned was unwilling, by giving his vote in favor of the resolution in question, to sanction the anomaly that one agent of certain persons should undertake to instruct and advise another agent of the same persons when there is no sort of connection between the subjects of their agencies. It is considered that in all cases the right either to instruct or advise should be regulated and determined by the dependence and responsibility that subsist between the advisor and the person advised—between the instructors and the person instructed. And that where no such dependence or responsibility exists to enforce compliance, it is an idle and unprofitable consumption of time and breath to attempt to counsel or instruct. The whole mistake, and with all due defence be it said, proceeds from confounding the two separate and distinct characters in which we at this time appear—by confounding our rights as natural persons and as members of the great body politic with our rights and privileges as official persons—with our rights and privileges as creatures of the constitution of our State, and by virtue of such creation, members of this Legislature. When we make our appearance in the Legislative Hall we are but creatures of the constitution, agents for performing certain definite and specified objects and we cannot rightfully go beyond the limits of our charter. That charter the constitution of our State, recognizes no such right as that claimed by the passage of the resolution alluded to. When we are out of the Legislature, however, we are then a portion of the sovereign people, and, by virtue of our sovereignty, may advise, instruct, require and compel our Representatives upon any and every subject. But further than this, it is believed to be the duty of our Senators and Representatives in Congress, both by the constitution under which they act and by their oath to support the same, to attend to such general concerns as are referred to, and about which we are seeking to instruct and advise them. This, at all events, is admitted by our undertaking to call their attention to them, and to enforce the necessity of speedy action upon them. It is respectfully submitted, then, for consideration, whether the adoption of such a Resolution does not seem to anticipate a dereliction, on the part of the whole of our representation in Congress, of their appropriate duties, and whether it does not manifest a disposition in the Legislature to pass in advance a vote of censure upon those honorable men. If these views of the matter be correct, the delicacy of the task, and its extra judicial character, must suggest itself in every one. HENRY S. CLARK.

The House then adjourned until to-morrow morning 9 o'clock.

THURSDAY, JANUARY 10, 1833.

Mr. Guthrie asked and obtained leave to withdraw from the files of this House the petition of Thomas Ragland of Chatham county.

Mr. Clayton called up the engrossed bill to give exclusive jurisdiction to the superior courts of law for the county of Buncombe, and moved that it be postponed indefinitely. The question thereon was determined in the affirmative.

A message from the Senate informing that they had passed the engrossed bill to enact with sundry alterations and additions, an act entitled an act incorporating the Portsmouth and Roanoke rail road Company, and for other purposes, passed by the Legislature of Virginia on the 8th day of March 1832, with the following amendment, viz: in the 5th and 6th lines of the 40th section strike out the words "at any point below" and insert the word "opposite" and asking the concurrence of this House. The said amendment was concurred in, by adding to the word "opposite" the words "or below." Ordered

that the concurrence of the Senate be asked in said amendment to their amendment.

A message from the Senate concurring in the several amendments made by this House, to the following engrossed bills, viz: a bill for the better organization of the militia of the county of Beaufort; a bill for the better regulation of the courts of pleas and quarter sessions, for the county of Halifax; and a bill to incorporate the Sunbury Academy, in the county of Gates. Ordered that the said bills be enrolled.

The message from the Senate communicating certain amendments made to the engrossed bill from this House, entitled the bill directing the manner in which constables shall hereafter be elected in the counties of Davidson, Buncombe and Chatham was called up for consideration, and the said amendments amended by the striking out the word "Randolph" and concurred in, and the Senate so informed.

Mr. Boddie moved that the vote of this House yesterday taken, rejecting the engrossed resolution in favor of Samuel W. W. Vick, sheriff of Nash, be now re-considered. The question thereon was decided in the affirmative; and the said resolution read the second and third times, passed, and ordered to be enrolled.

Mr. Sumner, from the committee on propositions and grievances to whom was referred the petition of sundry citizens of Fayetteville and county of Cumberland, in relation to the running at large of stock in the streets of said town, made a report thereon, which was read, and on motion laid on the table.

The engrossed resolutions requesting the State of South Carolina, to suspend the operation of the ordinance of their convention, were on motion of Mr. Settle laid on the table until the 3d Monday in November next.

Mr. Townsend presented the following PROTEST, which was read and ordered to be spread at large on the Journals

"The undersigned availing himself of the privilege guaranteed to him by the constitution, 'of dissenting from and protesting against, any act or resolve which he may think injurious to the public or any individual,' respectfully submits the following as the views which governed him in the vote he gave on the 4th resolution, reported by the joint select committee on the South Carolina documents. In so doing he will not state the reasons which have brought him to such conclusions, but merely the conclusions themselves. In the first place he believes that neither the General nor State Governments are, in the strict meaning of the word, Sovereigns. A Sovereign being one that possesses all power. In the second place, he believes that the States possess every attribute of sovereignty, before the formation of the federal compact, and that by that compact the States respectively delegated some portion of their sovereignty to the General Government.

That he believes, whenever a question arises, whether by that compact certain powers are delegated or not by the States to the General Government, as there is no umpire created by the constitution or compact itself to decide, it clearly results that each party to the compact must decide for itself. That if any one State in forming her opinion on any question thus arising, should come to a conclusion differing from the conclusions of the other members of the compact, it then becomes a question of expediency with such State, whether she will submit to the opinions of the majority of the States or act upon her own. And should a State thus act upon her own opinion, as the undersigned believes she has a right to do, she by such action peaceably withdraws from the compact, and the majority of the States would, in such case

have no moral right to coerce her into submission. He repudiates the doctrine of Nullification, believing that it is not a constitutional remedy, and that no one State can Nullify a law of the Union and still be a member thereof. He is opposed to the existing Tariff, believing it to be unconstitutional, unjust and oppressive on the Southern States. That notwithstanding the State of South Carolina may have acted precipitately and unadvisedly, yet her cause is the cause of the whole South, and the undersigned could not consistently vote for any resolution, which might act as a damper on her exertions to free the South from the evils of the protective system.

The undersigned does therefore most solemnly protest against the aforesaid resolution, as uncalled for by the existing crisis, untimed and ungenerous towards a sister State.

JOSEPH W. TOWNSEND.

A message from the Senate, informing that they had passed the engrossed bill to revise and continue in force in the town of Washington, the provisions of an act, passed in the year 1824, entitled, an act to provide against the introduction and spreading of contagious or infectious diseases in this State, and asking the concurrence of this House. The said bill was read the first, second and third times, passed and ordered to be enrolled.

A message from the Senate, concurring in the amendment proposed by the House of Commons to the engrossed bill to extend the provisions of an act, passed at the last session of the General Assembly, entitled, an act to abolish the offices of county trustee and treasurer of buildings, in the counties of Richmond, Columbus, Sampson and Robeson to the counties of Halifax, Nash and Beaufort, with an amendment, viz: Strike out in said amendment the word "Halifax." This proposed amendment to the amendment was not concurred in.

Mr. Loudermilk submitted the following resolution:

Resolved, That a message be sent to the Senate, proposing that the two Houses adjourn *sine die* on to-morrow morning, at 7 o'clock.

Mr. Emmet moved that said resolution lie on the table; the question thereon was decided in the negative. Yeas 2. Nays 91. The yeas and nays demanded by Mr. Loudermilk.

Those who voted in the affirmative, were Messrs. Emmet and Whitaker.

Those who voted in the negative were Messrs. Abernathy, Adams, Allison, Arrington, Barringer, Blowe, Boddie, Bragg, Brower, Cansler, Carter, Clark, Clayton, Cloman, Courts, Craige, Cromwell, Cunningham, Cuthbertson, Daniel, Davidson, Dockery, Eccles, Edmonston, Enloe, Foscue, Gary, Gee, Gillespie, Glass, Grady, Graves, Guthrie, Gwynn, Harper, Hart, Hinton, Horton, Hurst, Irion, Irvine, Jarvis, R. Jones, Jordan, Judkins, Lancaster, Lee, Ledford, Little, Locke, Long, Loudermilk, Lyon, Mangum, Mask, Maulsby, Montgomery, Mullen, Murray, McLauain, McLeod, McNeill, Nelson, Norman, O'Brien, Park, Pierse, Poindexter, Polk, Potts, Rand, Relfe, Roberts, S. T. Sawyer, Settle, Smith, Spruill, Stallings, Stephens, Sumner, G. A. Thompson, Townsend, Tunstall, Ury, Wadsworth, Weaver, Willey, Witcher, A. W. Wooten, Word, Ziegler.—91.

On motion, leave of absence from the service of the House from and after this day, was granted to Messrs. Pierse, Hardison, Mask, Norman, Gwynn, Ury, McMillan and F. A. Sawyer.

The House then adjourned until 3 o'clock, P.M.

THURSDAY AFTERNOON, 3 O'CLOCK.

A message from the Senate, informing that they had passed the engrossed bill amendatory of an act, passed at the present session, entitled, an act to authorize the issuing of a grant to Amos Curtis and others for a camp ground.

and asking the concurrence of this House; the said bill was read the first, second and third times, amended and passed. Ordered, that the concurrence of the Senate be asked in said amendment.

A message from the Senate, concurring in the amendments proposed by the House of Commons to the following engrossed bills and resolution, viz: A bill to empower the commissioners of the town of Seracta in the county of Duplin, to sell the town commons; a bill further to improve the police of the town of Washington; and a resolution in favor of the Door-keepers. Ordered, that said bills and resolution be enrolled.

A message from the Senate, concurring in the amendments proposed by the House of Commons to the engrossed bill for the better regulation of the courts of pleas and quarter sessions of Duplin county; also concurring in the amendments to the engrossed bill, directing the manner in which constables shall hereafter be elected in the counties of Davidson, Buncombe and Chatham. Ordered, that said bills be enrolled.

A message from the Senate, concurring in the amendments proposed by the House of Commons to the Senate's amendments to the engrossed bill, to establish the Bank of North Carolina.

A message from the Senate, disagreeing to the proposition of this House to adjourn at 7 o'clock to-morrow morning; and proposing that the two Houses adjourn on to-morrow morning; the proposition was concurred in.

A message from the Senate, informing that they had postponed indefinitely the engrossed bill to exempt from execution, a certain portion of the farming utensils and household and kitchen furniture of the citizens of this State; and the engrossed bill to repeal part of an act, passed at the last session of the General Assembly, chapter 26, entitled, an act to regulate retailers of spirituous liquors.

A message from the Senate, concurring in the amendment proposed by the House of Commons, to the engrossed bill amendatory of an act, passed at the present session, entitled, an act to authorize the issuing of a grant to Amos Curtus and others for a camp ground. Ordered, that said bill be enrolled.

A message from the Senate, informing that they insist upon their amendment to the amendment of this House, to the engrossed bill to extend the provisions of an act, passed at the last session of the General Assembly, entitled, an act to abolish the office of county trustee and treasurer of public buildings, in the counties of Richmond, Columbus, Sampson and Robeson to the counties of Halifax, Nash and Beaufort. On motion of Mr. Gary, ordered, that the said message lie on the table.

A message from the Senate, informing that they do not concur in the amendment made by the House of Commons, to the Senate's amendment to the engrossed bill to enact with sundry alterations and additions an act, entitled, an act incorporating the Portsmouth and Roanoke rail-road company and for other purposes, passed by the Legislature of Virginia, on the 8th day of March, 1832. On motion of Mr. Mangum, ordered, that the House of Commons insist on their said amendment.

The House then adjourned until to-morrow morning, 6 o'clock.

FRIDAY, JANUARY 11, 1833.

A message from the Senate informing that they recede from their disagreement to the amendment made by the House of Commons to the Senate's amendment, to the engrossed bill to enact with sundry alterations and additions, an act entitled an act incorporating the Portsmouth and Roanoke rail road

Company, and for other purposes, passed by the Legislature of Virginia, on the 8th day of March 1832.

Mr. Hinton asked and obtained leave to withdraw from the files of this House, the memorial of sundry citizens of Cumberland, praying that a portion of said county may be attached to the county of Wake.

A message from the Senate, informing that they had rejected the engrossed resolution in favor of David Caldwell.

A message from the Senate, informing that they had passed the engrossed resolution directing the Public Treasurer to subscribe for shares in the Bank of North Carolina, and asking the concurrence of this House. The said resolution was read the first, second, and third times, passed, and ordered to be enrolled.

On motion of Mr. Gary, ordered that a message be sent to the Senate informing them, that the House of Commons having acted on all the public business before them, are now ready to adjourn *sine die*.

Received from the Senate a message informing, that having acted on all the business before them, they also are ready now to adjourn without day.

Mr. Hinton presented the following resolution which was read and adopted.

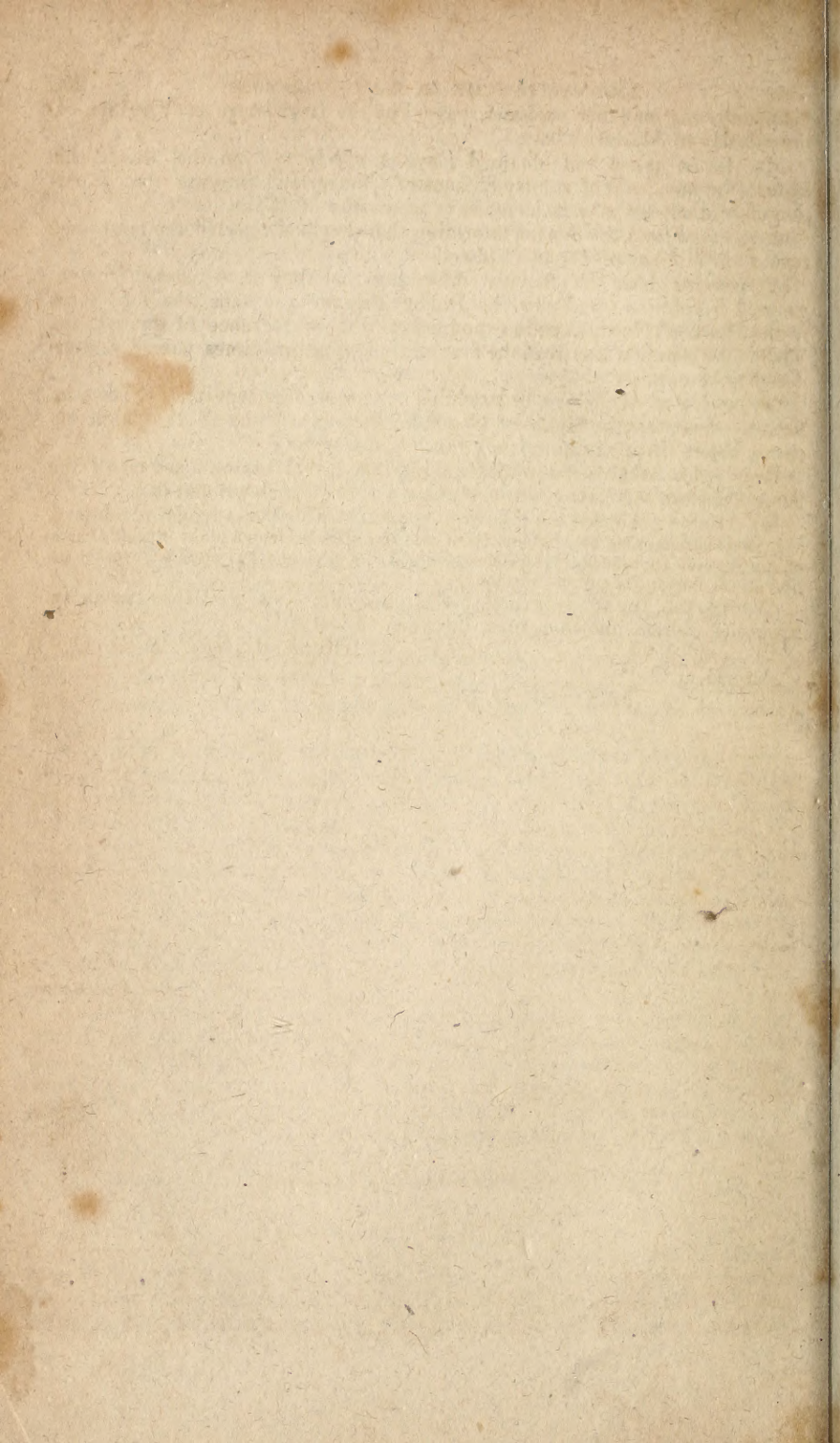
Resolved unanimously, That the thanks of this House be presented to the Speaker thereof, for the able dignified and impartial manner, with which he has presided over its deliberations, during the present session.

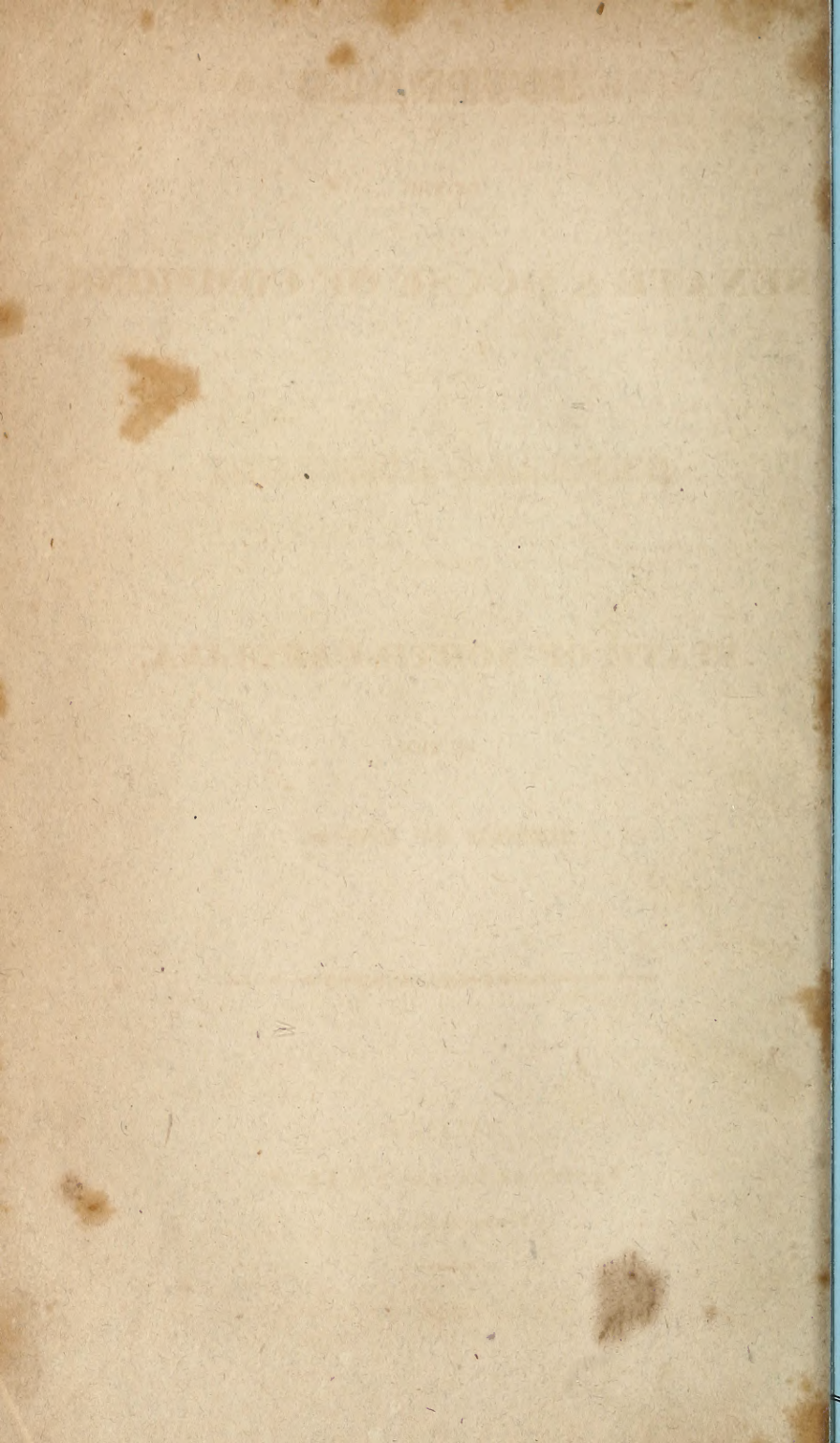
Whereupon, the Speaker made his acknowledgments to the House in an appropriate address, and adjourned the same without day.

LOUIS D. HENRY, S. H. C.

By order.

CHAS. MANLY, C. H. C.





1835-51

COMMONS

IBLY

ROLINA,

EMAY,